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NORTH AMERICAN REVIEW

No. DLXXVIII.

JANUARY, 1905.

CONCERNING COPYRIGHT.

AN OPEN LETTER TO THE REGISTER OF
COPYRIGHTS.

BY MARK TWAIN.

Thorwald Stolberg, Esq.,
Register of Copyrights,
Washington, D. C.

Dear Sir:

I have received your excellent summary of the innumerable statutes and substitutes and amendments which a century of Congresses has devised in trying to mete out even-handed justice to the public and the author in the vexed matter of copyright; and, in response to your invitation to the craftsmen of my guild to furnish suggestions for further legislation upon the subject, I beg to submit my share in the unconventional form of

Question and Answer.

Question. How many new American books are copyrighted *annually* in the United States?

Answer. Five or six thousand.

Q. How many have been copyrighted in the last twenty-five years?

A. More than 100,000.

VOL. CLXXX.—NO. 578.

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Q. How many altogether in the past 104 years?

A. Doubtless 250,000.

Q. How many of them have survived or will survive the 42-year limit?

A. An average of five per year. Make it ten, to be safe and certain.

Q. Only *ten* a year!

A. That is all. Ten.

Q. Do you actually believe that 249,000 of these books have had no sort of use for a 42-year limit?

A. I can swear to it. They would not have outlived a 20-year limit.

Q. Then where is the use of a 42-year limit?

A. I know of none.

Q. What does it accomplish?

A. Nothing useful, nothing worthy, nothing modest, nothing dignified, nothing honest, so far as I know. An Italian statesman has called it "the Countess Massiglia of legal burlesque." Each year ten venerable copyrights fall in, and the bread of ten persons is taken from them by the Government. This microscopic petty larceny is all that is accomplished.

Q. It does seem a small business.

A. For a big nation—yes. A distinct reversal of the law of the survival of the fittest. It is the assassination of the fittest.

Q. Of course, the lawmakers knew they were arranging a hardship for some persons—all laws do that. But they could not have known how few the number was, do you think?

A. Of course not. Otherwise, they would not have been worrying and suffering over copyright laws for a hundred years. It has cost you, sir, 41 pages of printed notes to merely *outline* the acres of amendments and substitutes they have ground out in a century—to take the bread out of the mouths of ten authors per year; usually the ten poorest and most distinguished literary servants of the nation! One book from each of them. It takes a hundred years to hook a thousand books, and by that time eight hundred of them have long ago fallen obsolete and died of inanition.

Q. Certainly there is something most grotesque about this! Is this principle followed elsewhere in our laws?

A. Yes, in the case of the inventors. But in that case it is

worth the Government's while. There are a hundred thousand new inventions a year, and a thousand of them are worth seizing at the end of the 17-year limit. But the Government *can't* seize the really great and immensely valuable ones—like the telegraph, the telephone, the air-brake, the Pullman car, and some others, the Shakespeares of the inventor-tribe, so to speak—for the prodigious capital required to carry them on is their protection from competition; their proprietors are not disturbed when the patents perish. Tell me, who are of first importance in the modern nation?

Q. Shall we say the builders of its civilization and promoters of its glory?

A. Yes. Who are they?

Q. Its inventors; the creators of its literature; and the country's defenders on land and sea. Is that correct?

A. I think so. Well, when a soldier retires from the wars, the Government spends \$150,000,000 a year upon him and his, and the pension is continued to his widow and orphans. But when it retires a distinguished author's book at the end of 42 years, it takes the book's subsequent profits away from the widow and orphans and gives them—to whom?

Q. To the public.

A. Nothing of the kind!

Q. But it does—the lawmaker will tell you so himself.

A. Who deceived the lawmaker with that limpid falsehood?

Q. Falsehood?

A. That is what it is. And the proof of it lies in this large, and eloquent, and sarcastic fact: that the Government does not give the book to the *public*, it gives it to the *publishers*.

Q. How do you make that out?

A. It is very simple: the publisher *goes on publishing*—there is no law against it—and he takes *all* the profit, both the author's and his own.

Q. Why, it looks like a crime!

A. It doesn't merely look like it, it *is* a crime. A crime perpetrated by a great country, a proud World Power, upon ten poor devils a year. *One book apiece*. The profits on "Uncle Tom's Cabin" continue to-day; nobody but the publishers get them—Mrs. Stowe's share ceased seven years before she died; her daughters receive nothing from the book. Years ago they found them-

selves no longer able to live in their modest home, and had to move out and find humbler quarters. Washington Irving's poor old adopted daughters fared likewise. Come, does that move you?

Q. Ah, dear me! Well, certainly, there is something wrong about this whole copyright business.

A. Something wrong? Yes, I think so! Something pitifully wrong, pathetically wrong! Consider the nation's attitude toward the Builder of its Material Greatness, toward the Defender of its Homes and its Flag, and (by contrast) toward its Teacher, who is also the Promoter of its Fame and Preserver of it—that Immortal Three! Behold, the spirit of prophecy is upon me, and a picture of a future incident rises upon my sight. You shall share the vision with me: The President sits in state in the White House, with his official family around him; before him stand three groups. In the first group, Edison, Graham Bell, Westinghouse, and other living inventors, and, back of them, dim and vague, the shades of Fulton, Whitney, Morse, Hoe, Howe, Ericsson and others; in the second group stand Dewey, Schley, Miles, Howard, Sickles, Chaffee, together with a private soldier and sailor representing 200,000 fellow-survivors of the bloody field, the sutler's tent and the teamster's camp, and back of these the stately shades of Washington, Paul Jones, Jackson, Taylor, Scott, McClellan, Grant, Sherman, Sheridan, Farragut, Foote, Worden, Sampson and others; in the third group stand three or four living authors, and back of them, with averted faces and ashamed, loom the mighty shades of Emerson, Bancroft, Bryant, Whittier, and behind these, dim and spectral, the shades of Cooper, Judd, Irving, Poe, Hawthorne, Longfellow, Holmes, Lowell, Harriet Beecher Stowe, Parkman and others.

The President Speaks.

"By command of the Nation, whose servant I am, I have summoned you, O illustrious ones! I bring you the message of eighty grateful millions—a message of praise and reward for high service done your country and your flag: from my lips, hear the nation's word! To you, inventors, builders of the land's material greatness, past and present, the people offer homage, worship and imperishable gratitude, with enduring fame for your dead, and untold millions of minted gold for you that survive.

To you, defenders of the flag, past and present, creators of the nation's far-shining military glory, the people offer homage, worship and imperishable gratitude, with enduring fame for your dead; and, for you that survive, a hundred and fifty coined millions a year to protect the highest and the humblest of you from want so long as you shall live. To you, historians, poets, creators of ennobling romance, — Teachers — this: you have wrought into enduring form the splendid story of the Great Republic; you have preserved forever from neglect, decay and oblivion the great deeds of the long line of the nation's Builders, Defenders and Preservers; you have diligently and faithfully taught and trained the children of the Republic in lofty political and social ideals, and in that love of country and reverence for the flag which is Patriotism—and without you this would be a Russia to-day, with not an intelligent patriot in it; you have made the American home pure and fragrant and beautiful with your sweet songs and your noble romance-literature; you have carried the American name in honor and esteem to the ends of the earth; in spite of unequal laws which exalt your brother the soldier and inflict upon you an undeserved indignity, you have furnished to your country that great asset, that golden asset, that imperial asset, lacking which no modern State can hold up its head and stand unchallenged in the august company of the sisterhood of Nations—a fine and strong and worthy National Literature! For these inestimable services, the people, by my voice, grant these rewards: to your great dead, as also to you who still live, homage, worship, enduring fame, imper—no, I mean gratitude, just gratitude; gratitude with a 42-year limit, and the poor-house for your widows and children. God abide with you, O illustrious company of the Builders, Defenders and Patriot-Makers of the grateful Republic! Farewell, the incident is closed.”

Q. (After a long and reflective pause.) Isn't there some right and fair way to remedy this strange and dishonorable condition of things?

A. I think there is.

Q. Suggest it, then.

A Suggestion.

A. In making a 42-year limit, the Government's intention was, to be fair all around. It meant that the ten authors (it supposed the number was greater) should enjoy the profit of their

labors a fair and reasonable time; then extinguish the copyright and thus *make the book cheap*—this for the benefit of the public. I repeat, to *insure cheap editions for the public*: now, wasn't that the intention? and wasn't it the whole and *only* intention?

Q. It certainly was.

A. Well, that intention has often been defeated. In many a case, the publisher has not lowered the price; in other cases, so many publishers issued editions of the unprotected book that they clogged the market and *killed* the book. And often it was a book that could have survived but for this misfortune. The remedy that I would suggest is this: *that, during the 42d year of the copyright limit, the owner of the copyright shall be obliged to issue an edition of the book at these following rates, to wit: twenty-five cents for each 100,000 words, or less, of its contents, and keep said edition on sale always thereafter, year after year, indefinitely. And if in any year he shall fail to keep such edition on sale during a space of three months, the copyright shall then perish.*

Q. That seems to cover the ground. It meets the Government's sole desire—to *secure a cheap edition for the public*.

A. Why, certainly. It *compels* it. No existing law in any country does that.

Q. You would not put a price upon the publisher's other editions?

A. No; he could make the others as high-priced as he chose.

Q. Would you except books of a certain class?

A. No book occurs to me that could not stand the reduction—I mean a book that promises to live 42 years and upwards. It could not apply to unabridged dictionaries, for they are revised and newly copyrighted every ten or twelve years. It is the one and only book in America whose copyright is *perpetual*.

Q. Your own proposition makes all copyrights perpetual, doesn't it?

A. It does not. It extends the limit indefinitely. But there is still a limit; for in any year after the forty-first that the cheap edition fails, during the space of three months, the copyright dies.

Q. The proposed rate seems excessively cheap. How would the thing work out? About how much of a reduction would it make? Give me an illustration or two.

A. Very well, let me cite my own books—I am on familiar

ground there. "Huck Finn" contains 70,000 words; present price \$1 50; an edition of it would have to be kept permanently on sale at 25 cents. "Tom Sawyer," 70,000 words, price \$1 50; the imagined cheap edition would be 25 cents. Several two-volume books of mine contain a trifle more than 100,000 words per volume; present price \$1 75 per volume; the cheap-edition price would be 75 cents per volume—or 75 cents for the complete book if compressed into one volume. My "works," taken together, number 23 volumes; cheapest present price of the set, \$36 50. To meet the requirements of the copyright-preserving law, I would compress the aggregate contents into 10 volumes of something more than 200,000 words each, and sell the volumes at 75 cents each—or \$7 50 for the lot, if a millionaire wanted the whole treasure.

Q. It is a reduction of *four-fifths*, or thereabouts! Would there be any profit?

A. The printer and the binder would get their usual percentage of profit, the middle-man would get his usual commission on sales. The publisher's profit would be very small, mine also would be very small.

Q. Then you are proposing commercial suicide for him and for yourself—is that it?

A. Far from it. I am proposing high commercial prosperity and advantage for him and for me.

Q. How?

A. First of all, the books would remain my children's possession and support, instead of being confiscated by various publishers and issued in cheap form or dear, as they chose, for the support of *their* children.

Q. And secondly?

A. Secondly—let us not overlook the importance of this detail—the cheap edition would advertise our higher-priced editions, and the publisher and my orphans would live on canvasback duck and Cape Cod oysters—not on ham-and-not-enough-of-it, the way certain Government-robbled orphans of my acquaintance are doing now.

Q. Why don't you and your publisher try that cheap edition now, without waiting?

A. Haven't I told you that almost all the profit would go to printer, binder and middle-man? And has this Government ever

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heard of a publisher who would get out a dirt-cheap edition without being *compelled* to do it? The Government has tried persuasion for many a year, in the interest of the public, and achieved no cheap edition by it: what I am after now is *compulsion*.

Q. Are you guessing at cheap-edition possibilities, or are you speaking from knowledge?

A. From knowledge. Knowledge and experience. I know what it costs to make a book and what it costs to sell it.

Q. If your figures on cheap editions should be challenged by the trade—how then?

A. I could prove my case, and would do it.

Very respectfully,

S. L. CLEMENS (MARK TWAIN).

OUR ANTIQUATED METHOD OF ELECTING A PRESIDENT.

BY SIMON NEWCOMB, LL.D., UNITED STATES NAVY.

BEFORE the inhabitants of the United States retired to rest on the evening of Tuesday, November 8th last, it was heard on all sides that Theodore Roosevelt had been elected President of the United States. A visitor unacquainted with our Constitution, listening to the talk of our citizens, would never have suspected that he was witnessing anything else than an election of a President by the people, who had proceeded on the same system as if they had been electing the Governor of a State. Of course, we all know that a President was not elected, nor even voted for, on November 8th, and that the election will not occur until Monday, January 9th, when the electors will meet in their several States to cast their votes. But few of us reflect how devoid of legal force is the mandate of the people as expressed on November 8th, and how completely all responsibility for the choice of a President is vested in a body of men who will not have met even up to the time when this article shall be published. We have fallen into the habit of thinking of the actual election as a mere formality, like the counting of a vote on a specified day some weeks after an election. It may, therefore, be wholesome to point out how far this way of thinking is wrong, and what danger may arise at any time by the continuance of what we are too apt to regard as a mere formality.

The men who framed our Constitution found the task of devising a satisfactory method of electing a President to be one of great difficulty. It was believed that any system which provided for the direct choice of a President by a vote of the people at large would produce a degree of popular excitement "subversive of the order and peace of society." As late as 1823, it was still a ques-

tion whether some danger of this kind might not result from the direct choice even of electors by the people. The plan which commended itself to the Convention was, therefore, one by which the President should be chosen by a selected body of men, removed as far as possible from sinister influences, either on the part of the public on one side, or on the part of foreign emissaries—that great bugbear of the founders of our Constitution—on the other. It was not thought safe to have the electors meet as a single body, because the latter class of influences could then be most easily directed against them. Their choice was, therefore, made exclusively a function of the several States, the legislators of which were quite at liberty to make the choice themselves, or to have the electors voted for by the people. It is noteworthy that the latter system did not become universal until after our Civil War, the State of South Carolina, at least, up to that time providing that the choice should be made by its Legislature.

The preceding and other considerations are very fully set forth by Hamilton in "The Federalist." It is of especial interest to notice how careful the framers of the Constitution were to protect the electors from being tampered with in advance, and to prevent the votes of one State from being influenced by those of another. The electors were to be free from suspicion of too great devotion to the President in office. Hence no Senator, Representative nor other person holding a place of trust or profit under the United States, could be an elector. Hence, also, they were to meet on the same day in all the States. It would thus be "found no easy matter to suddenly embark them, dispersed as they would be over thirteen States, in any combinations founded upon motives which, though they could not properly be denominated corrupt, might yet be of a nature to mislead them from their duty."

Some results of these precautions are not without interest at the present moment. One is that there is as yet no candidate for the Presidency legally entitled to recognition on January 9th. Under our present system of official ballots, political parties are recognized, whose candidates as Governor, legislators and members of Congress are legally entitled to have their names printed on the ballot. But there are no such candidates for the position of President and Vice-President, because the people have no vote for these officers, and the States vote for them in a way distinct

from that in which they elect their State officers. The fact that the two great parties met in convention last June, and there nominated candidates for the Presidency, can therefore give these candidates no standing whatever before the Electoral College.

It follows that the men who are to meet on January 9th to elect a President are free agents to exercise their own discretion as to whom they shall choose. Should one, or any number of them, vote for other candidates than Parker or Roosevelt, their votes will be valid, always granting that they were not secured by bribery or corruption. Should they so vote in sufficient number to secure a majority for some other candidate, that majority will make him who secures it the legal President. The case would not be like that of an inspector making a wrong statement of a vote, a canvassing officer falsifying his returns, or a Governor giving certificates to the wrong party. A complete answer to any complaint that an elector did not cast his vote for the candidate who had been nominated by his party would be, that under the Constitution the election of the President was confined to his judgment; and he was bound to exercise that judgment according to his own conscience. He could plead in addition that, the vote being by ballot, there was no knowledge on the part of any one but himself as to how he had voted.

Our confidence that every one of the electors chosen will cast his ballot as we expect him to do is one of the most remarkable tributes that we can pay to the high standard of good faith which marks our politics. In the election of 1876, confidence in this standard was put to the severest test which it could be conceived to undergo. Although the circumstances must still be fresh in the minds of at least the older of our readers, it is worth while to mention the main point. Samuel J. Tilden had received, for President, a decided majority of the popular vote. Electoral votes of unquestioned legality, to a number just one short of the majority which would elect him, were to be cast. In the balance were the votes of three States, Florida, Louisiana and Oregon, the legality of which was at issue. Should all these votes be counted for Hayes, he would be elected by a majority of one; but, should a single vote fail, Tilden would be the legally elected President. In Louisiana especially was the position of the Tilden electors strong. There was no question that they had received a majority of the legal votes cast; but the canvassing

officers, acting under a provision of the Constitution which allowed them discretion in the matter, had thrown out votes in a sufficient number of counties and precincts, on the score of intimidation and violence, to give a majority to the Hayes electors. But in Oregon the Governor had given the certificates to the Tilden electors, when the returns showed that the Hayes electors had received a majority. It therefore required close steering between Scylla and Charybdis to give the votes of both States, as well as of Florida, to Hayes; the one in pursuance of the State certificates, the other in opposition to them.

Under these circumstances, if a single one of the Republican electors cast his vote for Tilden, the latter would be the legally elected President, as he was the choice of a majority of the people. A strong appeal was made that some one of the electors should exercise his legal discretion, and make Tilden the President. In addition to all the other reasons for doing this was the important one that a contest which might shake our institutions to their base would thus be avoided. The appeal was supposed to have been addressed especially to James Russell Lowell, one of the electors of Massachusetts. Yet, neither he nor any other Republican elector could be moved from the stand that the responsibility rested not with them, but with the people. They had been chosen to cast a certain vote, and they were bound to do it, no matter that the majority of the voters were against them, and that the gravest dangers were to result. It was the business of the people to guard against the danger.

The merited confidence which experience leads us to place in the good faith of the electors should not blind us to the contrast between the antiquated ideas on which the constitutional method of electing a President was framed, and the actual facts of to-day, more than a century later. The certainty of the fore-ordained result shows that the intervention of the electors is, at best, a useless formality. To dispense with them, we have only to adopt a constitutional provision putting into legal shape the method actually adopted by the people on the evening of an election in determining who is to be elected. Each State has a number of votes for President equal to the whole number of Senators and Representatives to which it is entitled in the Congress. The qualified citizens in each State are invited to cast their votes for President, precisely as they now do for Governor or State officers.

The votes are counted, canvassed and certified to the Executive of the State. Disputes as to validity are determined by the State judicial or other authorities, as at present. The candidate for President having the plurality of votes receives the number of votes to which the State is entitled. The Executive certifies the vote of the State to the President of the Senate, as he now certifies the names of the electors. The certificates are opened in joint session of the two houses of Congress, the votes of the several States added up, as the electoral votes now are, and the result determined on the present system, if we choose to continue it.

The feasibility of this change is not open to question. Its urgency can be questioned only on the ground that, even if the electors are useless, they are also harmless so long as they execute the will of the people who choose them. This view would be quite sound were there no possibility of a failure in the complicated processes to which their functions give rise. But the very provisions and limitations to which the electors are subject may cause slips in the proceedings, of which we have occasional examples. The first difficulty is that, at law, the electors are responsible agents in the election. The Constitution itself, in treating the electors as alone responsible for their choice, places limitations on them, each of which is a source of possible failure. They must be citizens of the United States, though this is not expressly provided. They must hold no office of profit or trust under the United States. And they must all meet on the same day to cast their votes. It follows that the vote of any elector, when it comes before the joint session, may be challenged on the ground that the elector was not a citizen of the United States, or that he held some office of profit or trust. Of course, the greatest care is always taken by those who frame the ticket that there shall be no room for any such challenge. But it is impossible to avoid all chance of ineligibility.

Yet more serious than this is the provision that the votes shall all be cast on the same day. In 1856, when Buchanan and Fremont were the candidates, a heavy snow-storm prevented the electors of Wisconsin from meeting on the same day with the others, as prescribed by the Constitution. The question whether their votes were valid was left unsettled at the joint session, because the result was the same whether they were counted or not, and the joint session did not wish to assume the responsibility of

a decision. But, if the result had depended on the vote of Wisconsin, a decision would have been necessary. The question whether a failure to comply with a constitutional provision invalidates a vote cast under it, is one in which the general trend of custom tends toward the affirmative. Counts of precincts are thrown out on formalities much less serious than this. Should such a circumstance again occur, and should the election be close enough to turn on the vote of a State, the decision would probably be a purely partisan one. How great an evil this would be is shown by the demoralizing result of the election of 1876.

It is true that this danger is lessened by a provision of law in some or all of the States that, if all the electors are not assembled at the appointed time, those actually present may fill vacancies. But this does not wholly do away with the danger. If no electors at all are present, which might well be the result of such a snow-storm as sweeps down from the northwest every few years, there will be no one with authority to fill vacancies. Moreover, in so hurried a choice, the danger that an ineligible elector may be taken is very great. It is all the greater because of the purely perfunctory character of the duties devolving upon them, which is liable to result in forgetfulness as to the constitutional qualifications.

We sometimes smile at the antiquated proceedings which accompany the accession of a monarch to a throne—such as the proclamation of a herald announcing the change. But we are far ahead of this in our adherence to our antiquated system of electing a President. To make the cases parallel, we must suppose that the discovery, by a Parliamentary Commission, that the herald who made the proclamation was not a liege subject of our Lord the King, would result in a question whether the latter was legally proclaimed, and had the right to mount the throne.

All this presupposes that the ballots have been prepared and cast in due form by the qualified voters of the several States. But we have, in addition to all this, to consider the danger arising from the voter's failing to understand exactly what he must do in order to make his official ballot valid for all of the electors. Where only a single candidate for each office is to be chosen, this involves little difficulty, now that the system is well understood by nearly all the voters of all the States. But when it comes to choosing a large number of electors on the same ballot, the

danger of failure increases. We now have before us the case of Maryland in the recent election, where it is scarcely yet known for whom the vote of the State would have been cast, had all the voters understood the ballot. Such cases of a divided electoral vote are quite frequent. The personal popularity or unpopularity of a candidate for elector may decide the question whether he shall receive a majority of the votes. All this would be done away with if the President and Vice-President were voted for directly. The conclusion to which we are led is that a constitutional amendment doing away with the electors, and providing a direct vote for President and Vice-President, is urgently necessary to avoid the constantly recurring danger of an election being vitiated through accidents, or failure in carrying out antiquated and useless formalities.

While the mere doing away with the electors would certainly be a great improvement, we should not be satisfied with anything less than the adoption of a reasonably good system. The present one is subject to the objection that the entire vote of a State may be determined in one direction or the other by a very small number of votes. The case of New York in 1884, when the question whether Cleveland or Blaine should be President turned upon the 35 votes of New York State, and when the decision in favor of Cleveland rested only on a majority of about 1100 votes in that State, is fresh in our minds. In the general average there is about one electoral vote for every forty thousand voters. But here was a case in which 35 electoral votes and the Presidency itself were determined by six hundred voters. This ought not to be, and there is no necessity that it should be. It is quite true that, in any election, the majority may be ever so small on one side or the other. But a close election is much less likely to occur where the number of voting units is very large than where it is small.

Our inattention to possible dangers from this source is curiously shown by a circumstance of the Presidential election of 1888. The candidates were then Cleveland and Harrison. New York was carried by the Democrats on the State ticket, electing David B. Hill as Governor. But, by causes which have never been satisfactorily explained, the Presidential vote was in favor of Harrison instead of Cleveland. Among the other States the electoral vote was so evenly divided that, had New York voted for

Cleveland, the whole election would have turned upon the vote of West Virginia. This was so close that it was not known for several days after the election. Consequently, in the case supposed we should have had something very like a repetition of the Tilden-Hayes contest of twelve years before. It must be remembered that the law of 1889, which was designed to provide more clearly than had previously been done for contested cases, was not yet enacted. No doubt, had the conjuncture arrived, we should have devised a way out of it, as we did in 1876. But a system under which such contests are bound to occur with great frequency ought to be done away with. To devise a more rational system, let us look into the question from another point of view.

The simplest method of electing a President would be by a count of the popular vote of the entire country, regardless of State lines. The proper authorities in every State certify to a central authority how many votes were cast by the voters of that State for each candidate. The candidate found to receive a majority of the whole number would be declared elected. If no candidate has a majority, the proceedings may be the same as at present in the case of no candidate receiving a majority of the electoral vote; if we choose to continue that part of the system.

An objection to the choice by count of the popular vote, pure and simple, is that the large States, and the States having large majorities for one party, would exercise too great an influence in the election. As a constitutional amendment must receive the votes of three-fourths of the States, it may be assumed that the smaller States would object to an amendment which increased the preponderance of the larger ones over them.

But there are several intermediate systems between a general count of the entire popular vote and a count by States pure and simple. The best of these intermediate systems is that of combining States and Congressional districts. At the present time, the people of each district vote for members of Congress. They could, on the same ballot, vote for President and Vice-President. Then, in each district, the candidate receiving a plurality of the votes would be entitled to have the one vote of that district counted for him. Besides this, the State would be entitled to two electoral votes, determined by the majority of the entire State. When, as is sometimes the case, one or more representatives are chosen by the State at large, each State would be entitled to an

equal number of electoral votes for President and Vice-President. This would give to each State precisely the power it now has; only, instead of that power being determined by never so small a majority in each State, it would be divided among the Congressional districts. The voting units would be smaller. The preponderance of the larger States would be lessened rather than increased, so that the smaller States would have fully the influence they now have. Such States as New York and Pennsylvania, instead of voting "solid" as they now do, would be sure to give a few Congressional districts to the other party, just as they elect a few members of Congress for the minority.

The change from the present system is so slight that it could be put into operation without difficulty. The votes in each Congressional district would be counted and certified to the authorities of the State, as they are now. The Presidential candidate of each district would be determined by the vote of that district; that of the State by the entire vote. These votes would be certified by the Executive to the President of the Senate, and counted in joint session, as the electoral votes now are.

This system seems to be the best and easiest that can now be adopted. But there still remains a defect in our present system, which would be worth curing at the same time. The Constitution provides that if no Presidential candidate receives a majority of the electoral vote, the choice between the three highest candidates devolves upon the Representatives, each State voting separately. A majority of all the States is now necessary to a choice. A State equally divided between two candidates would be left out from a majority, but would have to be counted in the whole number. The chances would, therefore, be against any election by the House, in the frequent case of a close division of parties. The Vice-President, chosen by the Senate, would then fill the office. But, even here, the possibility of failure would be very serious. A majority of the entire Senate, vacancies included, is necessary to the choice of a Vice-President. Vacancies and absentees sufficient in number to prevent a majority would be very possible. Then the fourth of March would arrive without a constitutional President.

The simplest way of guarding against this danger is by providing that a plurality of what we now call the electoral vote shall determine the choice of President and Vice-President. The ob-

jections to this course have greatly diminished since the date of the adoption of the Constitution. It is a wholesome rule that, if a sufficient number of the minority cannot agree upon a candidate, the majority should rule. In any case, the evil of plurality rule is less to be dreaded than the danger of a non-election, which the majority rule might lead to.

It is undeniable that we are continuing an antiquated system of electing a President and Vice-President, fraught with wholly unnecessary and cumbrous formalities which may lead at any time to the defeat of the popular will or, worse yet, to a contest over the validity of an election. We have, up to the present time, been blind to all our narrow escapes from the danger. There is no real difficulty in devising and adopting a better system. Our hesitation only arises from a supposed sentiment against amending our Constitution. In view of the fact that the Constitution itself makes provision for amendments, there can be no rational ground for this sentiment. It is the spirit, not the letter, of our Constitution which has made it so successful in solving the greatest political problems with which our race ever had to deal, and in showing the world how civilized peoples may be governed. We only weaken this spirit, and do no honor to the Constitution or its founders, when we refuse to amend it in the way the document itself provides. To make the case against amendments weaker we have, during the present generation, strained the elasticity of the document to a degree which it would never have borne, were it not for the broad good sense of our Supreme Court in recognizing the fact that new conditions demand new constructions of law. Far from amending the Constitution being a source of danger, our willingness to do it will afford the surest guarantee of the perpetuity of the instrument, as well as show to the world that, in our national proceedings, we are not tied down by a blind and irrational adherence to antiquated forms of procedure.

SIMON NEWCOMB.

REPRESENTATIVE GOVERNMENT FOR RUSSIA.

BY HANNIS TAYLOR, LL.D. (EDIN. AND DUB.), AUTHOR OF "THE
ORIGIN AND GROWTH OF THE ENGLISH CONSTITU-
TION," ETC., ETC.

WITH a view to ascertaining the result of the recent conference of the presidents of the Zemstvos, the representative of the Associated Press at St. Petersburg interviewed Mr. Sauverin, the veteran editor of the "*Novoe Vremya*," who said:

"I certainly think the conference was highly significant. It shows the necessity for a departure from the present system. Personally, I do not agree with all the Zemstvoist proposals. The memorial embodies to the last word the science of constitutional government. I think some form of national representation is bound to come. . . . It would not be a curtailment of the autocratic power to summon representatives of the people, but rather a strengthening of the Imperial authority, since it would enable the monarch to know the true needs and desires of his subjects. Ex-Minister of the Interior Ignatieff's idea of a Zemstvo Parliament to sit as a consultative body is worth considering as the logical development of the Zemstvos, which would be a ready-made electoral college for the land parliament. In my opinion, it would be preferable to have two houses. The higher should take the place of the present Council of the Empire, and a part of it should be elected and a part appointed. The Lower House should be composed of members, each representing a large constituency; otherwise, the population of 150,000,000 would necessitate a too unwieldy Lower House."

Here is a clear and definite admission, from one declaring his belief that "autocracy should be preserved," that the time has come when Russia should have a bicameral parliament to be composed of "an elective body to act in a consultative capacity to the sovereign, who should retain absolute freedom to follow the recommendations of the majority or minority, as he might think best." Mr. Sauverin evidently recognizes the maxim of Sir James Mackintosh that "constitutions are not made, they grow,"

when he adds: "My belief is that the changes should be introduced gradually. The first phase should be the introduction of the elected members to the Council of the Empire, which would be a useful initiation of our statesmen and people to representative institutions." In the presence of such reflections, students of the history of representative government naturally propound to themselves the question whether, in the light of that history, it is not probable that a parliament may be rapidly evolved out of the local institutions of Russia, in such a way that a representative assembly may be built up alongside of the Autocracy, at first purely consultative, and finally supreme in the state. All who are familiar with the history of the English constitution know that the Parliament of that country was evolved, through such a process, from germs embedded in the English township, originally a village community with a constitution identical with that of the Russian *mir*, the primary unit of Russian state organization.

Representative government is a Teutonic invention, of which the ancient world knew absolutely nothing. To the Teutonic invaders who settled down within the limits of the Roman Empire the modern world is indebted for the principle of representation, whereby large populations are enabled to extend the organization of natural life, without loss of vitality, through representative assemblies in which widely separated local communities co-operate with the central authority through trusted men elected to speak and act in their stead. The incurable weakness of the Roman political system was its lack of the equal and concerted action of widely diffused populations through the instrumentality of representation. That lack was supplied by the Teutons, who brought with them from the forest and the steppe the germs of the representative principle embedded in the organization of their local, self-governing communities. In every one of the modern European states that have arisen out of the settlements made by the Teutonic nations on Roman soil, a serious attempt has at some time been made in the direction of representative government. The remarkable fact is that, in every Continental state in which such an attempt was made, it ended at last in failure and disappointment. By the sixteenth century, nearly every effort in the direction of representative government upon the Continent of Europe had come to an end. In England only, among the Teu-

tonic nations, has the representative principle been able to maintain a continuous existence. In that way, the English nation has been able to hand it down from the barbarian epoch to modern times; in that way, England became the "Mother of Parliaments," the teacher of the science of representative government to all the world. Since the beginning of the French Revolution, nearly all of the states of Continental Europe have organized national assemblies after the model of the English Parliament in a spirit of conscious imitation. But the typical English national assembly, embodying what is generally known as the bicameral system, was not copied into the Continental European constitutions until it had first been reproduced in a modified form by the founders of the federal republic of the United States. Thus rendered popular by its successful reproduction in American constitutions, State and Federal, the English political model was followed by France, by Spain and Portugal, and by Holland and Belgium combined in the Kingdom of the Netherlands; and, after a long interval, by Germany, Italy, Austria and Japan. To the student of the science of politics, the typical English national assembly, therefore, appears not simply as the local legislature of the United Kingdom, nor even as the Imperial Parliament of the British Empire, but, higher still, as the accepted model of representative government throughout the world. Has the time come when Russia is prepared to concentrate the vast energies of her widely diffused populations through the instrumentality of a representative assembly, fashioned after a model adopted in every country in which constitutional government now prevails?

The most valuable single result, perhaps, of the application of the new science known as "Comparative Politics" to the study of institutions, is embodied in the discovery that the unit of organization in all of the Aryan nations, from Ireland to Hindustan, was the naturally organized association of kindred—the family, swelled into the clan—which, in a settled state, assumed the form of a village community, represented by the *γένος* of Athens, the *gens* of Rome, the *mark* or *gemeinde* of the Teutonic nations, and the *mir* of Russia. The Teutonic state built up in Britain, and known as "England," is the outcome of a process of aggregation, in which the village community, or mark, there known as the "township," "parish" or "manor," was

the unit of political organization. As Mr. Freeman has expressed it:

"The unit is the mark, roughly represented by the modern parish or manor. The shire must not be looked on as a division of the kingdom, nor the hundred or the mark as a division of the shire. The hundred is, in truth, formed by an aggregation of marks, the shire by an aggregation of hundreds, and the kingdom by the aggregation of shires. The aggregation of marks into shires is, indeed, mainly to be inferred from local nomenclature and from the analogy of other Teutonic countries, but the aggregation of shires into kingdoms is matter of recorded history."

The English state, thus built up in Britain through the aggregation of primitive local communities, preserved them as the substructure of its national life; and from them was drawn the representative principle confined at first to strictly local concerns. The English village assembly, or tun-moot, elected its own officers, and also provided for the representation of its interests in the assemblies of the hundred and the shire, where the reeve and four discreet men appeared for the township. That is the earliest illustration of the representative principle. As John Piske has well expressed it: "In these four discreet men sent to speak for their township in the old county assembly, we have the germ of institutions that have ripened into the House of Commons, and into the legislatures of modern kingdoms and republics. In the system of representation thus inaugurated lay the future possibility of such gigantic political aggregates as the United States of America." The representative principle, which survived the Norman Conquest as a part of the machinery of the Old-English local courts, never entered into the constitution of the national council prior to the reign of John. Not until that time did the ancient practice of sending the reeve and four discreet men from the township to the county court expand into the practice of sending "four discreet men," as representatives of the shire, to the common council of the kingdom. Not until 1265 did representatives from the towns first appear in Parliament, and not until 1295 was it settled that elected representatives from both shires and towns had the right to appear regularly in Parliament. From the coming of the Conqueror down to that time, the bureaucracy which governed England in the name of the Crown was almost as absolute in national affairs as that which now

governs Russia in the name of the Tsar. When the English Commons were first called to Westminster to consult as to taxation, their position was quite as humble as that which Mr. Sauverin would now assign to the lower house of his elective assembly. As all the world knows, the growth of the power of the English Parliament was a very gradual evolution. Only after hard and prolonged struggles did it win the right, first, to participate in and then exclusively to authorize taxation; next, to participate in and control legislation; next, to control the royal administration and to depose the King himself. The secret of the result finally attained is embodied in the fact that the unit of political organization known as the "township" survived, and from its loins was drawn the vital principle of popular government, through whose agency was built up, alongside of the royal bureaucracy, a representative assembly in which the sovereign powers of the nation were concentrated and consolidated.

In the absolute and centralized monarchy of Russia, the unit of state organization is the village community known as the "*mir*," whose constitution is identical with that of the Teutonic mark or township, as it appeared centuries ago. While the latter has grown and borne fruit, the former has simply prolonged its childhood. When the student of politics desires to inspect an ancient institution in its primitive form, he must find it in some stagnant community in which it has not progressed. The Russian *mir*, as it appears to the traveller of to-day, is a vivid illustration of the village life of the founders of the English kingdom at the time the migration into Britain began. From the chapter entitled "The *Mir*" in Sir Donald Mackenzie Wallace's book on Russia, published not very long ago, we learn that:

"In 'the great stronghold of Cæsarian despotism and centralized bureaucracy,' these Village Communes, containing about five-sixths of the population, are capital specimens of representative constitutional government of the extreme democratic type! When I say that the rural commune is a good specimen of constitutional government, I use the phrase in the English, and not in the Continental, sense. . . . Their constitution is of the English type—a body of unwritten, traditional conceptions, which have grown up and modified themselves under the influence of ever-changing practical necessity. If the functions and mutual relations of village elder and the village assembly have ever been defined, neither the elders nor the members of the assembly know anything of such definitions; and yet every peasant knows, as if by instinct, what

each of these authorities can do and cannot do. The commune is, in fact, a living institution, whose spontaneous vitality enables it to dispense with the assistance and guidance of the written law. As to its thoroughly democratic character there can be no possible doubt. The elder represents merely the executive power. All the real authority resides in the assembly, of which all heads of households are members. Theoretically speaking, the village parliament has a speaker, in the person of the village elder. . . . The elder comes prominently forward only when it is necessary to take the sense of the meeting. On such occasions, he may stand back a little from the crowd and say, 'Well, orthodox, have you decided so?' and the crowd will probably shout, '*Ladno! ladno!*' that is to say, 'Agreed! agreed!' Communal measures are generally carried in this way by acclamation; but it sometimes happens that there is such a decided diversity of opinion that it is difficult to tell which of the two parties has a majority. In this case, the elder requests the one party to stand to the right and the other to the left. The two groups are then counted, and the minority submits, for no one ever dreams of opposing openly the will of the *mir*."

Who can read that description without comparing the Russian village assembly with a New England town meeting, which is simply a reproduction on American soil of the Old-English township, as it appeared before it was ever overlaid by ecclesiastic and feudal organizations. The analogy may be carried farther. In the earliest times, the system of cultivation through a periodical redistribution of agricultural lands surely existed in the English township, as it exists in the *mir* to-day. Common lands were and are incident to both. Boston Common is simply a survival of the system as it reappeared upon our Atlantic seaboard.

Such is the nature of the village communities, with their village parliaments, in which the machinery of election and representation is constantly employed by perhaps five-sixths of the Russian people in the regulation of their local concerns. The greater number of the Russian towns are mere villages, whose inhabitants depend upon agriculture. Of the 68,600,000 who formed the rural population of European Russia in 1882, the greater part were settled in 555,278 villages, almost entirely built of wood. It thus appears that the national life of the greater part of the people of Russia is village life, a life packed away in the cells in which immemorial custom has enclosed it. The unit of state organization is still the village community known as the "*mir*." A union of such communities is called a "*volost*," whose peasant inhabitants elect an elder (*volostnoy starshina*). The

elder of the volost and his clerk have become, however, mere organs of the local police and tax-gatherers, while the tribunal of the volost is at the mercy both of influential land proprietors and of the wealthier peasants or merchants, subject as they are to the uncontrolled rule of a state official, the *mirovoy posrednik*, and of the police. The system of local self-government is also continued in the elective district and provincial assemblies, the Zemstvos, on the one hand, and, on the other, the elective justices of the peace (*mirovoy sudia*), whose periodical gatherings (*mirovoy syezd*) are courts of appeal against the decisions of the individual justices. But neither of these institutions, says a competent authority, and least of all the Zemstvo, is capable of acquiring the necessary independence. The Zemstvos—one for each district, and another for the province—consist of a representative assembly (*zemskoye sobraniye*) and an executive (*Zemskaya uprava*) nominated by the former. While in theory the Zemstvos have large powers in relation to the incidents of taxation, as well as to matters affecting education, public health, roads and the like, their decisions are jealously controlled by the representative of the central government, the Governor, and promptly annulled whenever they conflict with the spirit prevailing for the time at the Court. Disobedience is punished by dissolution, and sometimes by administrative exile,—circumstances which have tended to eliminate from the Zemstvos the better elements that entered originally into their composition. In the light of this statement it may be easier to understand the significance of the recent conference of the presidents of the Zemstvos, whose memorial, in the words of Mr. Sauverin, “embodies to the last word the science of constitutional government.”

Whenever the local communities in which the main body of a nation live are nurseries in which the principle of election and representation is kept alive, workshops in which it is daily applied to the necessities of local existence, an explosion is possible at any moment which may lift it into a higher sphere. In the several colonial commonwealths founded by English settlers upon American soil, the typical English national assembly reappeared in an embryonic form, as the predestined product of a natural process of reproduction. These assemblies “were not formally instituted, but grew up themselves, because it was in the nature of Englishmen to assemble.” A graphic statement of that fact

may be found in the words of Hutchison, a writer upon our colonial history, who tells us that in "this year [1619] a House of Burgesses *broke out* in Virginia." It is evident that the point has been reached when a representative national assembly, a real parliament on the modern plan, is about to break out in Russia; the travail of war is forcing the parturition. An eminent American publicist, in writing upon "Law: Its Nature and Development,"* said, not long ago:

"There can be no reasonable doubt that the power of Russia's Czar, vast and arbitrary as it seems, derives its strength from the Russian people. It is not the Czar's personal power; it is his power as head of the national church, as semi-sacred representative of the race and its historical development and organization. Its roots run deep into the tenacious, nourishing soil of immemorial habit. The Czar represents a history, not a caprice. . . . Again, it is said, apparently with a quite close regard for the facts, that in Russia sovereignty is lodged with the Czar, the supreme master 'of all the Russias.' That his will is law, Siberia attests and Nihilism recognizes. But is there no *de facto* limitation to his supremacy? How far could he go in the direction of institutional construction? How far could he succeed in giving Russia at once and out of hand the institutions, and Russians the liberties, of the United States and its people? How far would such a gift be law? *Only so far as life answered to its word of command.*"

In that last sentence is embodied the essence of the problem. As the writer just quoted has well said in the same connection: "Temporary, fleeting despots, like the first Napoleon, lead nations with them by the ears, playing to their love of glory, to their sense of dignity and honor, to their ardor for achievement and their desire for order." To that he might well have added that fleeting despots cannot create, out of hand, enduring institutions. And yet, while it is true that "constitutions are not made, they grow," there can be no doubt that, at certain stages of the growth, it may be greatly accelerated by external influences. While it would be impossible for the Czar to create by edict an artificial scheme of liberty for Russia, it may be quite possible for him, in that way, to quicken into a new and larger life, and to lift into a higher sphere, the representative system whose "roots run deep into the tenacious, nourishing soil of immemorial habit." A great beginning could be made, if the Imperial hand

* Woodrow Wilson, "The State," pp. 620, 624.

would only cut away the vines with which the bureaucracy has for so long a time been strangling the rich undergrowth of representation embedded in local institutions. Statesmen, like Prince Mestchersky, who are saying that "constitutional government is impossible in Russia for the simple reason that the vast majority of the people have not the slightest conception of its meaning," seem to be strangely ignorant of the fact that, for centuries, the Russian people have been having the best of all constitutional training in their village parliaments, the identical training out of which has grown the representative assemblies of England and the United States. There is no reason why a parliamentary system should not be rapidly developed in Russia, because the entire substructure of the state is composed of nurseries in which the principle of election and representation by small democracies is in full bloom. Russia cannot afford to wait. Since the fall of the Roman Empire, no vast political aggregate ever suffered so much from the lack of the helping hand of a representative national assembly, capable of insuring the equal and concerted action of widely diffused populations. If to-day Russia had such a parliament, whose elongated fingers could reach down into the pockets of consenting millions, the brilliant adversary now defying her would be as helpless as a cripple in the grasp of a Titan.

HANNIS TAYLOR.

THE ISSUE OF THE OPEN AND CLOSED SHOP.

BY HENRY WHITE.

THE working class is rapidly raising itself out of its servile state through concerted action, and for the first time in history it is becoming a leading social factor. In consequence, the quiescent mass which gave society a firm base is growing restless, and the onerous task now faces mankind of readjusting the economic relations in conformity with democratic ideals.

The disappearing of the individual personal element in industry and the coming together of workmen in large groups, has developed among them a consciousness of their common interest, thereby promoting unity of purpose. This tendency is culminating in a definite working-class movement, which is widening the breach between employer and employed.

So far has the organization of the wage-workers proceeded, and likewise the counter combination of the employers, that the gravest of social problems has been narrowed down to the rights of the contending parties, as chiefly embodied in the problem of the "open" and "closed" shop. By the "open" shop is commonly meant the policy of employing workmen without regard to their affiliation with unions; and the "closed" shop is the antithesis of this, or the union shop. The term "union shop" is also made to apply to places where only union members are employed without the employer's agreeing to follow this course, but in the closed shop the employer expressly agrees to exclude non-unionists. The open-shop question is by no means new, as the unionizing of the shops has been naturally resisted by the employer wherever possible, but the term has taken on a new significance since it has been adopted as a slogan, as an emancipation declaration against union rule. The open-shop advocates dis-

claim any intention of fighting unions as such. They even claim to favor unions "rightly conducted"; but, whether sincere or not, their recognition of the right and necessity of workmen to organize marks an important step in the progress of unionism. Until quite recently, employers openly refused to have any dealings with organized workmen. Accustomed as they were to treating with the single employee, a collective demand was to them an insurrection. It was a radical, if not a revolutionary, departure for workingmen to demand as a wage all that could be exacted from industry, instead of being content with a wage limited by unrestricted competition—hence the union could not be recognized or temporized with. But when the employers found that the union continued to grow despite their efforts, and that public opinion began to favor the organization of the laborers as a means of equalizing advantages, their hostility gave way to tolerance, and the union was in time accepted as a factor in industry.

Having fought its way to recognition, the union demanded the exclusion of non-union men from the shops. This meant a long step toward union regulation of industry, and, as was anticipated, it soon brought the movement into conflict with practically the whole employing class. A more general observance of the closed shop followed the expansion of the labor movement. Charges of union abuses, due to the alleged labor monopoly fostered by the closed shop, became rife; the sentiment toward the union changed noticeably, and the employers were aroused into active hostility. The "open shop" thus became the rallying cry of the employer.

Beginning about five years ago, strikes on a scale never before known occurred, notably in the building and mining trades. The employers, emulating the example of their workmen, formed associations in the different trades and industrial centres to fight the closed shop, and recently these associations united into a vast federation known as the Citizens' Industrial Association of America. These bodies, although lacking the definite policies of the unions, are, nevertheless, sufficiently in accord to present a united front to the unions. In the construction trades, the employers' association recognizes the closed shop, but only as a matter of necessity. On account of the numerous branches of labor employed at a time on one job, work would be interrupted incessantly, unless the builder took the precaution to hire only union help; but there is no doubt as to what the employers' attitude in that

industry would be if the cost of enforcing the open shop were not too great. In the building-trades war, in progress in New York since last spring, the unions charge the employers with seeking to bring about the open shop by repressing the sympathetic strike and establishing an arbitration plan to which the builders insist that the unions shall adhere.

The largest of the employers' bodies is the National Association of Manufacturers, of which David M. Parry, whose name typifies the anti-union movement, is president. Mr. Parry is also the president of the Citizens' Industrial Association of America. It was at the New Orleans convention of the former body in 1903 that the open-shop movement was crystallized.

In the addition to the preamble, adopted at the Pittsburg convention, held last May, its attitude is thus stated:

"The employees have the right to contract for their services in a collective capacity, but any contract that contains a stipulation that employment shall be denied to men not parties to the contract is an invasion of the constitutional rights of the American workman, is against public policy, and is in violation of the conspiracy laws. This Association declares its unalterable antagonism to the closed shop, and insists that the doors of no industry shall be closed against American workmen because of their membership or non-membership in any labor organization."

The notable decision of the Anthracite-Coal Commission appointed by President Roosevelt in which the open-shop principle was upheld, and likewise the decision of the President reinstating foreman Miller in the Government Printing-office, from which he had been discharged upon complaint of the Bookbinders' Union, have given a strong impetus to the open-shop movement. So vigorous and widespread has it become that many employers who previously, without much urging, recognized the closed shop, have been carried along with it, and now avow their determination to resist the closed shop at whatever cost. The Citizens' Industrial Association at its annual convention held in New York in November asserted its uncompromising hostility to the closed shop, and the American Federation of Labor in session at San Francisco a week earlier reaffirmed its opposition to the open shop.

The stress thus put on the open shop by the employers has also aroused the unionists, in the belief that its object is to crush unionism. Many serious strikes have been precipitated on that

account, the most recent and noteworthy being the strikes in the glove trade in Gloversville, N. Y., and in the clothing trade in New York, both of which were lost. In both cases, only union men were employed in the shops when the employers promulgated their shop policy. The employers also announced that the conditions then existing would not be disturbed, but that they reserved the right to employ non-union men, should they so elect. The unions took alarm, believing their existence threatened, and tried to protect themselves by attempting to compel the employers to agree to employ only members in good standing. The glove strike, which involved about three thousand men, began on December 23rd, 1903, and ended on June 28th, 1904. The clothing strike began on June 20th and ended on July 27th, 1904, and affected about fifteen thousand tailors and twelve hundred cutters. Similar strikes took place a few weeks later in Chicago, St. Louis and Boston, involving over six thousand clothing workers more, and with a like result.

Much can be said of the motive that prompts the employer to favor the open shop. With some, the open shop offers the means of frustrating the organization of the employees; with others, it is looked upon as a refuge when hard pressed by the union. But this does not sufficiently account for the intensity of the open-shop movement. Its character is such that it can be due only to the dread of a possible misuse of the immense power combination has placed in untrained hands. That there is some ground for the distrust of unions cannot be doubted. There is danger in the sudden acquisition of power by the many.

The open-shop question has brought prominently to the fore the question of the abstract rights of the employer and of the workman. At the conference held under the auspices of the National Civic Federation in November, 1903, at Chicago, both sides based their arguments chiefly upon abstract rights which they considered irreconcilable. It seemed as though an exterminating war must follow this peace conference. The union advocates condemned the open-shop movement as a plot to destroy the unions; and the employers, with equal vehemence, denounced the closed shop as a monopoly-creating device. Each side threatened to fight to the last ditch what the other advocated.

Had the unionists and employers given the same consideration to each other's claims that they expected for their own, they might

have found a basis for an agreement as to their respective rights; and, having progressed thus far, they would have had less difficulty in agreeing upon a policy by which these rights could be conserved in practice. The bitterest opponent of unions will concede to workmen the right to organize and the right of such workmen to refuse to work with non-unionists. The most ardent unionist will likewise concede the right of the employer to engage non-union workmen if he chooses; nor would he hold that it is the employer's duty to drive his employees into the union. Such, in substance, are the rights asserted by the two sides, and, in a broad sense, they do not conflict. They are simply two aspects of the same principle of liberty. Conflict occurs only where one side, in pursuing its own rights, encroaches upon the rights of the other.

The moral right of union men to refuse to work with non-members is questioned by some. President Roosevelt thus expresses this doubt in his late message to Congress:

"Wage-workers have an entire right to organize and by all peaceful and honorable means to endeavor to persuade their fellows to join with them in organizations. They have a legal right which, according to circumstances, may or may not be a moral right."

On its face, it does seem an arbitrary, although evidently a legal, act for workmen to quit work because of the presence in the shop of men who refuse to recognize their common interests. But in adjudging the morality of an act it is important that the incentive be considered. The solidarity of the workers being essential to their welfare, it follows that whatever measures they adopt to promote it are justifiable, provided they do not conflict with the employer's rights. Unless workmen were free to abstain from working with those inimical to their interests, they would be unable to preserve their unity. Should the employer act upon his right to engage only non-union men his conduct would be condemned generally as being unfair, unless the provocation were deemed ample.

There is no more sacred right than liberty, but the unlimited exercise of that right by a person would lead to the oppression of the rest. We are called upon, therefore, to put limitations upon our rights as conditions require. The possession of a right does not justify the fullest exercise of it under all conditions. Indeed, there can be no rights in the absolute sense in civilized society.

Rights are always conditioned upon the well-being of the whole. Abstractly speaking, the employer has the right to hire any one he chooses at the lowest wage; but in truth, if, by taking full advantage of that right, he serves to depress the standards of labor, he inflicts a wrong upon his fellows, and arrays himself against the public interest. Likewise, no one will dispute the laborer's right to set the highest possible price upon his labor, or to quit work when he chooses; but, if he carry the exercise of that right so far as to demand excessive pay for his services and, by quitting work with other workmen, to impose hardship upon the community, he also inflicts a wrong upon his fellows and arrays himself against the public interest. The welfare of society is and of necessity must be the final arbiter of all conduct.

The individual workman may do with impunity what the organized workmen cannot justly do, because of his inability seriously to affect conditions; but where, by combination with others, the workman possesses the power to inflict injury, then he, like the employer, cannot evade the responsibility that power begets. Still, workmen and employers prate about their "absolute" rights and brandish them like clubs over each other's heads.

But what are the "principles" in this controversy upon which so much stress is put? What is called "principle" is sometimes another name for "self-interest." When the employer proclaims the open shop as a principle, it is often not so much the ethical question involved that he has in mind, as the opportunity it gives him for increasing his profits; and it must be confessed that, when workmen raise the question of the closed shop, what they have usually in view is the means it offers them to increase wages. The principle at issue, therefore, is mostly a matter of larger profits or higher wages, but it is discussed, on either side, as though it involved something divine. When the employer finds that he is able to enforce the open shop, he suddenly becomes aware that there is a "principle" at stake, and that if he were to recognize the closed shop his business would become subordinate to the union. Likewise, unionists discover, when able to enforce their demands, that if they were to tolerate the open shop it would lead to the union's destruction. Previously, both sides were governed by policy in their dealings with each other, and the employer somehow managed to continue doing business with a profit while employing only union men, and the union contrived

to exist while members were working with non-union men. By repeatedly asserting a proposition as a principle, one may become so imbued with its ethical importance as to be confident that unless it be acquiesced in dire consequences must follow. This is the habit of mind that both employers and workmen are rapidly getting into over the controversy.

Should there be even an irreconcilable difference as to principle, what is to be done? Because two persons who must get along together differ in their conception of abstractions, it need not follow that they should fight it out until one succumbs to the other. Even then, the question would not be settled. They must both arrange to get along together somehow, notwithstanding their cardinal differences, and wisdom would dictate progress along the line of least friction.

The open or closed shop, as it has been shown, can be maintained without violating the rights of employers or workmen. There is a vital difference between being forced to give up a right, and deciding to suspend its exercise for practical reasons. This distinction may seem to be finely drawn, yet some of the largest disputes have taken place because of neglecting it. Many an employer will readily accommodate himself to a situation and employ only union men, but he will strongly protest against being bound by contract to do so. Even should he employ union men exclusively, he may reserve the right to employ others if he so desires. And so with the union workmen. When unable to help themselves, they will work with non-members; but they will resist an attempt to make them agree to do so at all times. The method by which the open or closed shop is upheld is the real question. There is no difficulty as to principle, if the acknowledged rights of either side are respected. The one condition that the union can justly insist upon is, that there shall be no discrimination against its members, and that the employees shall be treated with through their representatives. The natural disadvantage of the laborer entitles him to that consideration, and public opinion sustains him to that extent. Because, however, the closed shop would strengthen the union and enable the members to secure fair terms, it does not follow that it rests with the employer to uphold it. It is manifestly absurd to expect the employer to force the organization of his employees against himself. Even if he were to do so, it would prove destructive to the spirit of unionism. The

ability of workmen to organize independently is what gives unionism significance, and it is the resistance offered to the union that checks arbitrary tendencies. Unions, like individuals, seek to gain the benefits of struggle without the effort; hence the denunciations of employers for not granting what can come only through sustained effort.

The strongest argument urged against the open shop is that, if the employer were permitted to hire non-union workmen, the union workmen would soon be displaced and the union standards broken down. Undoubtedly, the employer would be inclined to discriminate, but that is a situation the union must meet by better organization. The employer could allege also on the same grounds that, by employing union men, he would lose control of his shop, and workmanship would deteriorate. The task of each side is to prevent the other from making unfair use of its power, not to seek to protect itself from oppression by curtailing the liberty of the other. The existence of such extensive and efficient unions as the railroad brotherhoods, which deal with a most powerful set of employers and never raise the question of the closed shop, shows conclusively that the recognition of the closed shop is not vital to the union's existence. There is, besides, the example of the successful British unions, which pursue a similar policy.

Where, however, the workers are so situated that organization becomes exceedingly difficult, conditions at the same time being such as to make their improvement specially urgent, it obviously would not do to apply the same rule that would work to advantage under normal circumstances. To promote self-dependence is the mission of society. In helping others, care must be taken not to impair their independence. Wherever possible, people should be put upon their own resources; but, when incapable of helping themselves, they must be assisted to become self-helpful. In the case of the sweating-trades, for instance, in which are employed immense numbers of helpless alien workers, the public welfare demands that they be organized, so that they may themselves combat the influences which bear down upon them. There it becomes also the moral duty of the employer to encourage the organization of his employees. He cannot exploit defenceless laborers, and satisfy his conscience with the plea that he is paying them all they are able to demand. The methods of unions grappling with such conditions could not be subject to the usual criticism.

While union workmen err in trying to use the employer to advance their cause, and in the methods sometimes employed to gain their ends, the employers do not help their case by the obviously specious pleas they make. It is manifestly absurd for the employer to say that it is because of his solicitude for the liberty of the non-union workmen that he desires the open shop. His motive is transparent. He wishes the non-unionist to be untrammelled so that he may pit him against other workmen. If he were so deeply concerned in the non-unionist's welfare, he could readily show it by paying him more than the market rate.

The non-unionist does not seem to take any pride in the liberty he is supposed to enjoy, neither does the unionist complain about the curtailment of his liberty by the union. The freedom of the non-union worker to work for as much or as little as he chooses invariably results in his working for less; the chance to work for more is not offered. A person may have liberty in the abstract sense, but not the opportunity to exercise it. That opportunity is often secured by organization. Organization is simply the instrument to that end, and it can be used either to suppress or to enhance individual liberty. That is the danger inherent in all organizations, and is the problem of civilization itself.

The employer is likewise insincere when he claims to be indifferent to the affiliation of his employees, and asserts that, in the event of being free to employ whomsoever he pleases, he would not discriminate against union members. It is not reasonable to suppose that he would not prefer workmen who have no resisting power, who are unable even to present a grievance. Should membership in a union come to mean something, his professed indifference would quickly vanish.

As the advocate of the open shop, the employer appears as the apostle of popular rights. The key-note of the open-shop plea is "liberty." The term has an American ring. It savors of freedom for the employee as well as the employer. Wherever, however, the open shop represents servile and poorly paid labor, and the closed shop independence and decent wages, the term means little, the conditions to which it is applied everything. Declarations of principle that are true under given conditions may work out far differently under other conditions. The employer having the advantage of position, he seeks to have all restrictions removed that were imposed upon him to offset his advantage.

The employer defends the right of a person to dispose of his labor as he chooses. As indisputable as that right is, when a workman is unable to dispose of his labor at a price he deems it to be worth, that right to him is meaningless. Workingmen, to have any choice in the disposal of their labor, must consult and act together. Otherwise, wages would be fixed by the necessities of the more helpless. Workingmen, therefore, have evolved a code of ethics based upon their obligation to one another.

There are two attitudes toward the worker which lead to opposite conclusions. One recognizes the community of interests of the wage-workers, owing to the uniform conditions which affect them; the other attitude treats the worker as a separate individual capable of securing just terms, acting independently. The soundness of either policy is determined by the degree in which the principle of free contract is promoted. The essence of a contract is that each party shall be able to refrain from entering into it without immediate injury. Fair dealing must be its basis, value being given for value. This is recognized in law, and a contract in which duress figures is invalid. If the pecuniary pressure is such that workmen are unable to secure a just price for their labor, the arrangement is hardly a free contract. The closed shop is the means by which workmen seek to exert a counter pressure. If, therefore, undue means are not employed to enforce the closed shop it is defensible on the ground of free contract.

Labor differs from other commodities in respect that it is perishable. The laborer being unable to wait for a favorable purchaser, he cannot, like the seller of merchandise, dispose of his commodity in the most lucrative market; hence, he is at a decided disadvantage. Individually, the worker is in a state of duress. By pooling his interests with his kind, he is able to bargain as a free agent. The purpose of society is to emphasize the ethical element, and the object of unionism is to humanize the law of supply and demand. To say that the laborer must be governed absolutely by a law that puts his energy on a par with an article of merchandise, that enables the purchaser to prey upon his necessities, is to deny him the right to use his intelligence in his own behalf. What burns deeply into the soul of the workingmen is that their share of the product should depend upon the number of their fellow workers seeking work. They cannot understand why their labor should be worth less, because of the surplus of workmen.

This situation they habitually submit to when unable to help themselves; but when they have learned how to remove the surplus from the market, they are puzzled to know why they should be denounced for doing so. The scarcity so created is an artificial one, it is said. Even so, what difference should it make? If it is proper to utilize the distress of others, why raise moral questions when workmen are able to turn the supply and demand principle to account for themselves? The very argument employed to sustain that doctrine in the general sense, the union can apply with equal force to support their position, no matter to what extremes they may go. An objection to the closed shop solely upon the ground that it interferes with the freedom of competition between workingmen cannot be sustained in the light of modern sentiment, which recognizes the need for regulation in that respect.

The social interest in the open-shop question is whether the closed shop gives the union a monopoly advantage, or whether the open shop leads to the suppression of the laborer. We can form a definite idea as to what the open shop would mean, but not so with the closed shop. Only in a small number of industries, of which the most important are building, glass-making, lithography, hat and cigar making, is the closed shop generally observed by agreement. So it is seen that, under the open shop so-called, the union can thrive despite the increased difficulty of organization, just as the closed shop can be enforced while the employer refuses to recognize it. What the effect of the closed shop would be, if generally observed, can be surmised but vaguely from present examples. The difference between the closed shop established universally, and the closed shop only here and there enforced and with difficulty, is so great that an opinion would be largely speculative. Judging by the unions as now constituted, we can conclude that, until the unions develop the needed self-restraint, and realize through experience their limitations, if the closed shop were to prevail generally, it would be as injurious to unionism as it would be to society. It can be said with confidence that there would not be within the union the power to keep it from going to excess, any more than there would be in corporations, should their sway be unopposed. The great task of conscientious leaders is to keep the members from going recklessly ahead, spurred on solely by their own wants and by their own conceptions of right. Every one must sympathize with the object of the union to better the lot of

the wage-worker. In doing that, it is liable, like all special interests, to go so far as to encroach upon the social welfare. There is a never-ending conflict between social and particular interests, and the problem of society is how to protect itself from the latter.

Organized workmen, because of their position, are unable to grasp as readily as others what the closed shop fully implies. They see the opportunity it offers them to improve their position. The employers and a considerable number of the public see the possibilities for evil. The unionist, like others, believes that he can be trusted with unlimited power, and he cannot understand why there should be this unwillingness to grant him more. It is not probable that public opinion will favor the closed shop as defined usually by the union because of the coercion it implies, or that the employing class will concede it without a struggle.

The untenableness of the closed shop as an issue having been demonstrated by the recent strikes, the unions should abandon it as an issue, while not relaxing their efforts to establish it by means which cannot be assailed. Their attention could then be confined to the improvement of working conditions, and their substance would not be wasted in an attempt to force a recognition of a principle as odious to the employer as it is to the public generally. Unionism would mean nothing unless it was able to maintain the closed shop without the employers' consent; and where it is upheld by the voluntary action and natural strength of the union it is impregnable. Some of the largest unions have agreements with single and associated employers which omit all reference to the employment of union or non-union men. The employers are free to hire non-union men if they so desire, and the employees are free to abstain from working with non-union members if that be found advisable. This also overcomes the objection that the courts have made, that provisions in union agreements excluding non-union men render them void and illegal. To meet the new conditions, unions must revise their methods. Makeshift tactics may suffice in dealing with petty and isolated employers; but to cope with the modern employer, allied in ever-growing measure with his compeers in a common defence, unions must depend upon the inherent strength of their cause and build upon the rock of voluntary organization. A union cannot be stronger than the loyalty and the intelligence of the units of which it is composed. The campaign against the closed shop may prove a boon to the

unions if it destroys sham unionism, and prepares the way for a harder kind.

Although, perhaps, no economic question has been more strenuously discussed than that of the open and closed shop, or involves graver consequences, still it cannot be considered an issue, because it is not a matter to be decided at the present moment or even in the near future. As the workers become better organized, the closed shop in fact will be observed correspondingly, and as their organization dwindles the open shop will prevail regardless of opinions. The controversy is simply a phase of the ceaseless conflict between the productive elements—ceaseless, because there can be no satisfactory way of determining what the share of each should be, although their underlying interests are akin. If an equitable wage could be computed there would be no occasion for friction; but that is inconceivable. What are satisfactory wages to-day, may not be so to-morrow. Human needs vary with the productiveness of the laborer. Wages, therefore, can only be adjusted in a rough way, much as the prices are fixed by a process of bargaining in which supply and demand determine.

It does not follow that this strife is injurious. It is rather a symptom of social vitality, of the awakening of the working-people to their possibilities. In only the most advanced countries do we witness this conflict. The problem is to keep it within safe limits instead of suppressing it. If suppressed, it would mean a listless working class, a condition infinitely worse.

The labor question, as we study it closely, becomes more and more a moral question. Its solution, it is found, depends as much upon keener conceptions of justice as upon economic enlightenment. Being, however, far from the day when equity alone will govern, right, to prevail, must still to an extent be reinforced by might. The situation that makes for the largest possible justice at present is where employer and employee are so strong as to compel respect for each other's claims. Obviously, however, the mere matching of strength will not suffice to prevent strife. It may tend to make conflict less frequent, but to become more destructive when it does occur. Only, therefore, as both capitalist and laborer are disposed to be fair in their dealings, are willing to make concessions in the interest of justice, will a condition of peace be approached.

HENRY WHITE.

D'ANNUNZIO'S "LA FIGLIA DI JORIO."

BY HELEN ZIMMERN.

It is generally admitted, despite the success that attended the revival of "Every Man," that the Old World dramatic form, known as Miracle or Morality plays, are spent as a dramatic factor, both as regards their substance and the spirit that animates them. And, certainly, re-reading some of these plays in cold blood, we rise from their perusal with the sensation that we have been for the moment face to face with an artistic manifestation which we no longer comprehend, a form whose essence seems to us irrational; that we have been bidden to fix our attention on events, persons and things that have no part in the life of our soul. These glorifications, these synthetic treatments of the great mediæval religious soul are seen by us as though looking across the broad, flowing waters of a mighty rushing river, on whose further bank objects pass in confused vision beyond the grasp of our clear ken. The rushing river is our modern life, tumultuous and varicolored, which, in its relentless on sweep, destroys many æsthetic and fantastic erections of the past, basing its action upon destructive rationalism, and on that spirit of analysis that undermines the fairest edifices. Only to a few of those profound spirits, to whom it is given to listen to the voices of the Ages, but who can also at the same time hear that of the present, both so dense with hidden harmonies, is the faculty accorded of recreating for us a vanished world, of guiding us mentally through the mazes of feelings and sentiments, unfelt and unfamiliar, that have become forgotten, that have been overwhelmed by the lapse of time. These men, and these only, can make it possible for us to realize these mental states with the color of the age to which they belong, to deal with them in a spirit which for want of a better definition we might call a "contemporary equilibrium."

The true and intimate meaning of the Morality plays was, curiously enough, borne in upon me when reading and hearing the "Figlia di Jorio," by Gabriello D'Annunzio, his latest poetic play, hot with the turbulent blood of his native province, the Abruzzi.

The epoch in which the action is supposed to occur is not stated. The poet only says that "it was many years ago." But we, studying its informing spirit, a curious medley of Christian and Pagan sentiments, would feel inclined to locate it in the fifteenth century, in that age of the world's culture when the Morality plays still flourished. And this because we seem to see in the manners, the acts of the personages, in their processes of thought and reasoning, that strangely beautiful blending, that confusion, which lasted beyond the Middle Ages down into the full-blown Renaissance, a mental state that resulted from the Christian reconsecration of antique Pagan rites, customs and thoughts. Here, in this play, live again the vanished patriarchal world, at least such as we love to imagine it, wearied of our febrile, collective and complex life.

The determining forces which animate the action are all simple; they are the natural forces which developed and took permanent shape in ancient human society, the logical offspring of Nature and the Earth. The rites of Love and of Sorrow that always accompanied these peoples in their life and in their death are still served on their venerable altars, and the primitive sentiments of the heart gush forth from the life-springs of this reanimated family of the older time. It is given to us to follow them into their remotest origin, to lay bare their deepest roots. The primitive family, a minute and autonomous human society, is thus reconstructed, and from out its bosom springs all the poetry of home, that had its origin in the Latin race. From the home again is born a human religion, the "*Pietas*" of our elders, and Christianity has reinforced this conception, sanctifying the family by causing its Redeemer to be born in a lowly human home. To reconstruct the pure and simple poetry of the home is to reconstruct the poetry of religion, which in its essence is also pure and simple. And to rouse and revivify by a tragedy this gentle poetry is equivalent to rousing the soul of humanity, deeply implanted in the ground of home.

In the Middle Ages, religion and art were always conjoined, because a work of art was also a work of religion, blending all the

elements that contributed to form the moral substratum of the life and soul of the populace. Now D'Annunzio has given in this tragedy, in which religion continually crops up and is a determining factor, a renewed life to the rites, customs, sentiments and language of an ancient tribe, investing them with a new lustre, and blending them in a harmony that resembles in its unity the Greek art on which it is fundamentally based, for D'Annunzio always turns to Hellas for inspiration. Thus Mila di Codra, the daughter of Jorio, the witch doctor of Farne, held accursed by the populace, who sacrifices herself so tragically, seems the reflexion and the mediæval version of "The Suppliants."

Although by no means enamored of critical comparisons, which like all comparisons are odious, and often only an excuse for a display of useless erudition, it may not be useless to confront briefly D'Annunzio's latest tragedy with the work of Maeterlinck. In the latter, occult forces are ever at work, of whose nature it is only possible to catch fleeting glimpses through the mists of our unstable human life, and our intelligence wearies itself in striving to comprehend the ultimate purpose of this synthetic symbolism. Instead, in the "*Figlia di Jorio*," all is plain and simple, everything is comprehensible, there is nothing occult, and the wrappings of the human beings seem of crystal, so transparent are they, and so easy is it to scrutinize their very souls.

This is how the play develops itself. With the first act we find ourselves in the house of the peasant, Lazzaro di Roio, where the traditional nuptial rites are being celebrated for the marriage of his son Aligi, the shepherd, with the blonde and silent Vienda di Giave. As the relations arrive from different hamlets, bearing wedding gifts, there bursts in upon the assembly, terrified and breathless, Mila di Codra, the daughter of Jorio, a sinner and a wanderer, a sorceress and a witch, at least such is her popular reputation. She is pursued by a crowd of reapers, whose brains wine and the fierce summer sun combined have clouded, arousing all their most bestial instincts. The intruder implores protection by advancing towards the hearthstone, craving hospitality and shelter in the name of the gods of home. The assembly, filled with superstitious fears concerning the maledictions of sorcery that may descend upon the house owing to the woman's presence, revile her and call upon Aligi to thrust her out. This she resists; and, as Aligi raises his hand to strike her, it seems to him that he

sees standing behind the woman a weeping angel. A holy horror shakes his being; and, falling on his knees, he craves pardon for having violated the laws of the hearth. Meanwhile, the libidinous crew has come nearer, and stands outside the house, shouting obscene menaces and demanding in angry tones the restitution of the woman who has escaped them. Aligi, hearing them, rises from his knees and, detaching a crucifix from the wall, lays it upon the threshold and then opens wide the house door. The hideous mob, already about to enter by force, on seeing the holy symbol, are arrested in their mad career and fall on their knees, after which they slowly and silently depart. At that moment, the threshold is passed by the head of the family, the master of the house, Lazzaro di Roio, bleeding and supported by two husbandmen. He has been wounded by a rival in his ugly love for the daughter of Jorio. She herself, in the confusion, has fled from the house unseen. Thus ends the first act, so full of novel dramatic effects.

The second opens in a mountain cavern. This is Aligi's habitual home, to which he has returned, leaving his paternal abode and the bride with whom his nuptials are not consummated. Here, wholly unexpected, Mila di Codra has joined him. But their mutual love is and has ever remained chaste, as they state in sincere confession to Cosma, the hermit saint of these mountain fastnesses. Aligi has been engaged all this time in carving in wood the image of the mute angel whom he beheld weeping when he raised his stick to strike a suppliant for shelter. It is still incomplete, the feet are still hidden within the wooden trunk and the eyes are as yet but faintly outlined. It is Aligi's desire to take the image to Rome, laid on the back of his mule, and thus to bear it to the Vicar of Christ, to pray him to dissolve his marriage with Vienda and to unite him to the daughter of Jorio. Meanwhile, in his paternal home they have wept bitter tears for months in yearning for the dear absent one, and the bride is wearing to a shadow in agonized expectancy of his return. The father, Lazzaro, is still suffering from the effects of his wound, and this and illness render yet more acute his anger against his son and Mila. Seeing this, Ornella, the younger sister of Aligi, sets forth alone for the cavern, and, finding her brother absent, she implores the stranger to restore him to his family and to depart from thence. She fears her father's ire. And with reason, for, just as Ornella has extracted the promise from Mila and is about to depart, there

bursts in upon them, choking with rage and inflamed with lust, Lazzaro di Roio. He holds in his hand a lasso of rope; and with this he intends to obtain possession of Mila, as though she were a beast of the field; and it is while he is thus roping her that Aligi returns. Upon this, the father, in the conscious knowledge of the unlimited paternal authority which from all time is his over his offspring, menaces his son, insults him, strikes him, and at last commands him to depart from the spot. Aligi endeavors to resist these injunctions; upon which the two husbandmen whom the father has brought with him fall on Aligi, bind him and carry him off by force. Alone at last with Mila, Lazzaro tries to make her his by brute force. But Aligi, whom Ornella, ignorant of what had gone before, has unbound and freed, returns at this moment upon the scene, and, blind with horror, grief and rage, seizes the axe wherewith he had carved his angel, and, with a mighty stroke, fells his father to the ground.

The third and last act carries us back to the village and the paternal home. In the house, the village women-mourners are crooning the funeral lullabies of the south around the corpse of Lazzaro, while the people have seized upon the parricide and are judging him. He confesses his crime, and terrible is his doom. It is sentenced that his hands be cut off from his arms and his body be sewn in a sack, together with a fierce mastiff, after which the bag with its human and canine contents shall be thrown into the river at the point where its depths are deepest. The decree spoken, the villagers conduct Aligi fettered into the presence of his mother, in order that she may give him his extreme pardon and the cup of consolation. When Aligi is finally ready to be led to the place of execution, there arrives, running hastily, amid the shouts of malediction of the populace, Mila di Codra. She has come to save Aligi by sacrificing herself. She cries to the people, who have sought her in vain to wreak their vengeance upon her, that she had cast a spell of witchcraft over Aligi, that he is innocent, that he has confessed to a crime he never committed. It was she, Mila, she who murdered Lazzaro. Her only desire is to make full confession in the face of a just people. And the people, hearing this, fall on her and bind her, and loosen the cords that bind Aligi. But he cannot appreciate Mila's great act of self-immolation. In the cup of consolation, brewed for him by his mother, there have been mixed certain herbs that should render

him insensible to pain or knowledge, and the liquor has already begun its work of consolation. Wherefore, raving, beside himself, his mind distraught, Aligi curses the woman he should bless. And as Mila is removed amid the howls of the crowd towards the flaming pile that awaits her, in which witches and sorcerers are condemned to perish, Ornella alone, who knows her innocent, blesses her amid tears and wafts a kiss to her whom the angels await in Paradise.

Such is this tragedy based on the eternal truths that move the popular mind, for all primitive tribes seek to sanctify the domestic hearth and regard it as a sacred centre for defence and sacrifice, removing it mentally from the ordinary things of every-day life, and bestowing upon it an ideal life of its own. And this primitive force, living and active, ever ill suppressed, was recognized as a spot where the hand of violence and injustice was stayed. The hearth represented the fatherland in miniature, and whoever did not pertain to it was a stranger. But hospitality extended the benefits of the family to the refugee who sought an asylum, and thus opened the field to civic piety and established the laws and rights of the weak. In his "Heraclides," Euripides, in one single line, expresses the essence of this institution of Sanctuary. "It is better to wage a war than to cede to those who persecute a suppliant." And Jove, according to Æschylus, was the god of supplicants and terrible was his outraged ire. Thus Mila di Codra invokes the sanctity of the hearthstone in her appeal to Aligi not to turn her out, and points out to him the enormity of the sin he is about to commit against the most sacred of all traditions; and the shepherd is seized by a holy fear and falls on his knees. The Mother plays the part of generative vigor. As the origin of the family she speaks the language of eternal truths to the new bride as she offers her bread, the emblem of purity and of renascent force. Lazzaro di Roio is also an elemental force, cruel and potent. The crowd is a collective force, but it does not resemble the chorus of the Greek tragedies, exterior and passive personages. Here it has life and takes an essential part in the action. It arrogates to itself the executive functions of justice. The influence of traditional passions obscures the thoughts of all these semi-conscious forces, intellect is held in abeyance by instinct and by the substrata of religious superstition.

Among these elemental forces walks, alone and mentally free,

an ardent soul, Mila di Codra. She is the type of woman who has broken her fetters and elects to be alone, the woman whom the ignorant mass persecute, calumniate, and regard as personified sin. She is, too, different from her surroundings, they do not comprehend her. Of necessity she must be held a witch. And it is her lot to cross a threshold just at the moment that the household is celebrating a domestic festival, at the moment when the most sacred ritual traditions are in vigor. She is a suppliant; but, at the same time, to them she personifies vice. And the family, despite the traditions of the hearthstone, ejects her, in order that she may not bring upon them the maledictions of sorcery, that she shall not contaminate the holy of holies.

D'Annunzio's tragedy is verily hall-marked with a national impress and brings into high relief all the patriarchal instincts of the Latin people. In the first and third acts, the elemental forces have unchecked play. In the second, the tragedy is purified by the influence of a pure love, which, under the circumstances, and in view of the personages, shines out the more nobly. And Mila, purifying herself thus for the holocaust, merits the tears and kisses of Ornella, the pure virgin, the while flower of pity and innocence. Her feet walk towards the beautiful and purging flames, that will give peace at last to the daughter of Jorio, whose very name has been a terror. Thus she avenges once again, for love and woman, the sublime spirit of self-sacrifice.

HELEN ZIMMERN.

JAPAN AND ASIATIC LEADERSHIP.

BY PAUL S. REINSCH.

WITH the last decade there has dawned upon the Japanese mind an influence far transcending any former national experiences,—the feeling of a sacred mission, by which the Island Nation is called to act as the guardian of Asiatic civilization, to summon the peoples of Asia to a realization of their unity, and to defend the ideals and treasures of Asiatic life against ruthless destruction through foreign invasion.

It is but a short time since the broader and more representative minds among the Asiatic races have begun to realize the unity of Asiatic civilization. The endless variety in speech and custom, the difference in character and temper between the Chinese and the Hindu, the opposite political destiny that has made one nation subject to foreigners while it has led another into an honored position among the independent Powers—all these differences can no longer obscure the deep unity of customs and of ideals that pervades the entire Orient. This unified character of Oriental life, in its essence so totally different from Western civilization, frequently expresses itself on the surface in customs and institutions which seem to us bizarre and even barbarous, and which invite the active reformer from the West to sweep them away and put in their place a more enlightened system. But whoever considers carefully the conditions of the Orient may arrive at a very different conclusion, and may see even in these apparently backward institutions the marks of a broad and noble ideal of life. The vastness of Oriental populations, the long duration of their institutions, create a feeling of permanence and peace. The frequency of natural catastrophes, the overpowering aspect of mountains, torrents, and typhoons, have given the Orientals an entirely deferential attitude towards nature,

which they have not tried to conquer or subdue. Busied rather with the causes of things and with the general laws of existence, they turn to religion and philosophy, and give but little attention to practical facts, to scientific control of the forces of nature, and to the betterment of social conditions. The pessimistic tinge of Oriental thought is due to this feeling of helplessness, which causes the world and existence to appear as a great procession of shadows, full of suffering and evil. But in all this impermanence, in the multitude of fleeting and ephemeral individual existences, the Oriental mind sees the manifestation of an omnipresent force—eternal change, symbolized by the figure of the dragon. The deepest feeling in Oriental thought is the poetry of vanishing life. The withered rose, whose fragrance has delighted us for a day, is but the symbol of the maiden's beauty and the grace and activity of the young warrior, who also fade and fall after a brief span, their places taken by a new array of budding spirits.

The intellectual bond which unites the Orient, and best interprets its deepest soul, is Buddhism. Resting upon the same philosophical foundation as Brahmanism, it really constitutes the missionary principle of the great Indian religion, through which the Farther Indies, China, and even the distant islands of Japan, were brought into touch with the original seat of Oriental thought and culture. The poetry of Oriental thought finds its most potent expression in the philosophy of eternal change and final annihilation of all sensible existence, taught by Gautama. This Asiatic religion of poetic insight is the expression of that higher ideal to which all the activities and ideas of Oriental life are tributary—search for the universal principle, together with endless variety in individual existence. Thus the rural locality is the real centre of Asiatic life. There is nothing like the European centralization of authority and culture. Local self-government, with little interference by the central authorities, the preservation of immemorial customs, not reduced to set form nor modified by conscious legislation, such is the framework of Oriental polity. In China, the village governs itself, while the Imperial government fills the function of a counsellor and defender. Industry is similarly decentralized; it is carried on in the homes of the artisans, where labor is not a curse, but a natural activity and manifestation of daily life, graced by the

artistic character which pervades all Oriental handicraft. High respect is everywhere paid to intellectual forces, not only in the lands of the Brahman and Mandarin, but in the more militant Japan. Practical religion is made up partly of an idealization and worship of the all-encompassing forces of nature, partly of a feeling of loyalty to the spirits of the ancestors, whose thoughts and work are embodied in the life and spirit of the nation to-day.

Of this vast and ancient civilization, Japanese life is the flower and concentrated essence. The foundation stock of the Japanese nation was animated by the nomad instincts of Western Asia, by the fierce courage of marauding tribes. The original basis of their national life is a worship of the past and of nature. Their temples commemorate the lives of heroes, but their festal days are not the anniversaries of battles; they mark the birth of flowers. In April, the multitudes begin their fond pilgrimages to see the blossoming cherry-trees, languid summer brings the nymphlike lotus, and late in fall the gorgeous chrysanthemum draws its crowds of worshippers from village and town. These earlier romantic and warlike instincts have been sobered and steadied by the social morality of Confucius, bestowed upon Japan by the Chinese nation, that great civilizer of Northern Asia. This system is often characterized as a congeries of mere platitudes; yet it has constituted an invaluable training in the simple and homely duties of neighborly life and in practical morality, a training necessary to the Orientals who are so idealistic, and so prone to overlook the near for the distant and mysterious. Coming last among all these influences, the poetical religion of Buddhism found the Japanese soul an especially responsive medium. The fleeting shadows of existence, lovely in their rapid succession and tragic death, the mystery of the soul, in which the memories of the past existence are reechoing—these were the forms of thought evoked by the great Asiatic religion in Japan. The flower of all these civilizing influences—Japanese art—was acquired from, and based upon, continental forms, and even now it best shows the historical development of the latter. Indeed, the genesis and progress of Oriental art can be studied in its completeness only in Japan, where the treasures of the past have not been at the mercy of succeeding waves of ruthless conquerors. But the Asiatic modes of art assumed an added re-

finement and poetical delicacy when they reached the Island Kingdom. The lovely background of a sweet nature, an inanimate world that is a melodious orchestra to the poetical drama of human existence, the spirit shadowings of former lives, the high heroism, the ready self-sacrifice of unselfish men and women, the delicate respect paid to the weak and old, the worship of heroic virtue, gave Japanese art a multitude of subjects in which to realize its most perfect expression.

In its passage to Japan, Buddhism underwent a great temperamental change,—its pessimism was softened and received a delicate artistic tinge. The insight into the deep mysteries of life which it affords has, with the Japanese, strengthened serious purpose and transfused the soul with pulsations of heroism. The tragic mood is the mood of greatness. Greek power and intellectual predominance declined with the tragedy, and our own England never furnished a higher revelation of spirited and energetic national life than when Shakespeare conjured up the tempests of the soul. Thus the undercurrent of Buddhist tragedy in Japanese life has not resulted in a debilitating pessimism, but constitutes a tonic inspiration to great deeds and to disdain for the petty and mean incidents of a mere bourgeois existence. While in Southern India vast populations have settled down to dreamy inactivity, thereto encouraged by the Buddhist belief in the nothingness of all existence, the spirit of Japan was better qualified to give the true interpretation of this deepest of Asiatic religions. Like her great English counterpart, Japan has assimilative talent of the highest order. But the intensity of her national life has enabled her to mould all the influences to which she has been subjected into a harmonious organic whole. This is chiefly due to the training she has always given herself in loyalty and social cohesion. These qualities have been put to a most decisive test in the last twenty-five years. While an unprecedented social change was going on, and while the entire mechanism of Western industrial life was being rapidly adopted, the leaders in this movement were animated with the desire not to copy Western civilization, but to assimilate those methods which would render them able to defend their own civilization against oppression or usurpation by the better armed nations of the world. No other hypothesis is possible, because it is unthinkable that a nation should give up its essential cus-

toms and beliefs, and still retain a unified and energetic national life. Thus while the Japanese have learned our methods and have successfully analyzed our system, they have remained loyal to the spirit of their own historic past. As the Western nations are becoming aware of this permanence of Asiatic ideals, they are beginning to be afraid of the new Power which has thus risen, and which must be counted with in any policy that would affect the destiny of the Orient.

The spectre of the yellow peril is thus evoked—the most chimerical phenomenon that has appeared in political thought since the Middle Ages. Russia has been encouraged to look upon herself as the St. George of the Western nations, called to wage war against the Oriental dragon. The real viciousness of this apparently harmless and hitherto modestly decorative creature was discovered by the German Emperor, who in his famous cartoon—a mixture of the styles of Gustave Doré and “Puck”—portrayed to the frightened imagination of Europe the terrors of an Oriental invasion. The military, industrial and racial peril with which Europe is thus threatened is the burden of the present song of Russian diplomacy, since the “treachery” of Japan in attacking before a solemn declaration of war has been fully exploited. Everywhere there is apparent a growing feeling of jealousy and suspicion of Japan’s motives.

Yet it cannot be denied that the attitude of Japan, before and since the furies of war were unchained, has been unequivocal. She is fighting to prevent a European autocracy from conquering the mastery of Asia. Under the circumstances, it is a perfectly natural and honorable ambition to arouse the peoples of that continent to a feeling of the value of their civilization and of the solidarity of their interests. We naturally ask ourselves the question whether, considering the character of this civilization, we have reason to fear its purposes. Yet, as represented by the great nations that are its true exponents, its first characteristic is peacefulness. China has given her civilization to the nations that surround her on all sides, without any desire to conquer them or to exploit their wealth. The soldier is distinctly subordinate to the man of peace in the national ideals. India herself, while torn by the most terrible internal dissensions, had essentially a policy and philosophy of peace; her woes, like those which have periodically overtaken China, being due to the lack

of effective resistance inviting the foreign invader and conqueror. Japan, with all the warlike spirit in her blood, has still set the ideals of peace above those of war, as is seen in her national festivals, and in the temper of her artistic and social life.

The civilizations of the Orient are essentially sedentary. They cling to the soil of their birth with many tenacious roots. The sacredness of the fatherland, the worship of the ancestors, the reverence of their tombs, are all forces of strong attachment. Industrial work in the Orient is also essentially home-keeping. It is a household art, graced and enlivened by creative spirit. The harsh slavery of modern factory life is known only in some European settlements. When we consider the fundamental ideas and customs of Asiatic civilization, we cannot escape the conclusion that, should Asia be allowed to develop along natural lines, she could never become a menace to our civilization.

As a matter of fact, no more fantastic idea has ever played a part in serious politics, than that of the military yellow peril. We need not consider the natural barriers erected against such an attack, nor the fact that in the methods of modern warfare the defensive is relatively far stronger than the attack; but there is in present Oriental conditions and ideas not the least vestige that can be used as a basis for alarmist prophecies. Neither China, India nor Japan has ever engaged in offensive warfare of conquest. They have themselves suffered at the hands of the hordes at the memory of which the nations of Europe are still trembling; and it is one of the glories of Japan to have successfully repelled these invaders, who again and again overran the rich countries of the continent.

The thought of an industrial peril has *prima facie* more probability. But before indulging in sensational visions it is well to remember that the Oriental nations can excel us only through efficiency, and that, in order to become dangerous competitors, they must develop our industrial and financial mechanism, they must have among their workmen the intelligence without which our highly complicated machinery would be useless. Their labor can no longer remain cheap; for, without raising the standard of living, the efficiency of European and American workmen cannot be approached. At the present time, a factory girl in Massachusetts does the work which in Japan is performed by six people. Should the Oriental manufacturer, in the course of

time, be able to turn out the coarser products, the finer articles would still be made by us. Such a development would be a distinct gain, since, the richer our customers and the more productive their industries, the more will they be able to purchase from us. With all the development of Japanese industry in the last three decades, her imports from the Western nations have increased thirtyfold. Moreover, Japan would be the last nation to destroy the promising market of China by an overdevelopment of Chinese manufacturing industries. For, if Japan has any definite ambition, it is that of creating an active commerce throughout the Orient, and reaping the vast profits of a middleman. Should Japan be successful in the present war, the exclusive policy initiated by Russia and France would be definitely defeated. Not only has Japan given the most positive assurances of an opposite policy, but it would plainly not be to her interest to take any different course. As an Oriental nation, she is able to create the routes and organizations of commerce throughout the Orient, far more speedily and effectively than any European nation, even were it to Orientalize itself. The Japanese are aware of the fact that the merchants of the world do not have perfect confidence in their commercial morality; and, with the same energy with which Japan transformed her industrial system, she is at present striving to improve her commercial methods and the morality of her merchant class. The latter have become prominent only since the Restoration, before which they were looked down upon, as they were in the ancient Greek state, as a class hardly respectable. But better men are entering the field, and the nation has an earnest desire to answer the demands of our social morality, as well as of its own.

Should Japan carry out her mission, she will strive to preserve the specific character of Oriental civilization and industry. European capital will not be invited to transform the East, nor will the factory system be introduced so rapidly as to unsettle the native industrial life. The peculiar excellence of Oriental fabrics will be preserved, and the glorious art of the Orient will be given a new opportunity to unfold itself. It is not by adopting our methods that the East can become strong and great, but by living its own life, that is, the life of peace and artistic industry. No great military or industrial conquest can be made by a people that abandons its own civilization.

On the other hand, should Russia be successful, she will have a free hand to enforce the policy of exclusiveness which she has already announced to the world in her treaty with China. Her disregard of international law in the present war, while she was weak, gives ample earnest of what she would do were she strong. The evasive answer given to Mr. Hay's note concerning the "open door" policy is a most excellent illustration of her diplomatic methods. Japan, in the event of success, would not be strong enough to hamper and exclude European commerce, but she would be given the opportunity and the power to call the Orient to a realization of its own spirit, and to cause it to develop along its natural lines. It is difficult to see just how humanity is to benefit from any different course, from Russian exclusiveness or from a capitalistic invasion of Asia. They would certainly bring small profit to the populations of Asia, who would be forced into a new slavery, as well as to our own home industries, which would find in Asia a competitor in their own methods, led by European skill and backed by unlimited financial power.

In order that either the industrial or military yellow peril should become a reality, a total transformation of all the customs and ideals of Oriental society would have to precede. This can be brought about only through our own action. If by constant attacks, by acts of burning injustice, the Asiatic peoples are made to feel that they must abandon every other purpose and concentrate all their strength upon military preparation, their serried ranks may assume a threatening attitude. We have so far done our best to sow the seeds of future trouble. The treachery practised against Japan by three European Powers, the repeated attacks upon Chinese integrity, the missionary activity undermining the very basis of Chinese social life, the horrid massacres of 1900, where the cross became to the Chinese the symbol of bloodshed, rapine and thievery, so that the European who knows China best declared that centuries only could eradicate the memory—all these facts are directly calculated to arouse that very peril which statesmen profess to be so anxious to allay. Russia herself has taken the most efficient course to awaken the bitterest racial animosities. Her signal disregard of solemn promises and her utter contempt for the legitimate national ambition of Japan, have been followed in the present war by methods not calculated to allay national bitterness, whatever may be the outcome of the struggle. The

massacre of the marines on the "Hitochi," where a thousand Japanese soldiers on an unarmed vessel were cut to pieces by a machine-gun fire lasting for three hours, was in strange contrast with the saving of the crew of the "Rurik," which had itself taken part in that murderous affair. Through his refusal to permit the burial of the dead around Port Arthur, the Russian commander is surrounding himself with a wall of horror which must dismay the bravest of the Japanese assailants and burn itself forever into their memories. The Russian government has encouraged the idea that it is engaged in a holy crusade against pagans; even the generals are loaded down with amulets, and the religious imagination of the soldiers is assiduously worked upon. By thus appealing to the stolid masses, the Russian leaders are stirring up the bitterest and deepest feelings of race hatred.

Thus when we look for the real source of the yellow peril, we shall probably find it in the Russian absolutist party, who are looking for an indefinite lease of power from Oriental sources; we shall find it in the imperialistic imagination of Kaiser Wilhelm, who is trembling for Kiao-Chao while he makes himself believe that he is trembling for Europe; we shall find it in the French desire to expand the Indo-Chinese sphere; in the capitalistic system, which is ready to destroy the character of Oriental life and industry and transform the patient masses of the Orient into competitors to our own laborers. It is to be expected that these forces will attempt to annihilate the effects of a Japanese victory by preparing an international interference for the "peace of Asia." But woe to the peace of the world if such an arrangement were again concluded, with the clear purpose to deny the right of the Orient to live its own life and to protect its own ideals. The last vestige of belief in international justice would be killed in the Japanese, and the entire Oriental world would be forced to realize that its safety lay alone in stubborn, fierce resistance. The real yellow peril would then arise, though even then the forces thus evoked might confine themselves to a purely defensive action. It is the present duty of British and American diplomacy to prevent such an injustice to Japan and the consequent danger to the peace of the world. Japan is fighting our battle. This is so well understood that in Germany and France it is popularly believed that our governments are setting her on. The very least that the Anglo-Saxon races can do for the repre-

sentative of their policy in the Orient, is to counteract the diplomatic influence that would by roundabout means again deprive the Japanese of the fruits of their unexampled self-sacrifice. We do not mean to indicate that the Japanese will demand Manchuria. They are undoubtedly sincere in their promise to restore this province to China, but they have a right to demand that Russian intrigue shall forever be shut out from that country.

The yellow peril is of our own making. There is no irrepressible conflict between Oriental and Western civilization. On the contrary, they are complementary to each other, not competitive. During the last century our own civilization, torn by internal conflicts and troubled by uncertainties, has sought for broader views in Oriental thought; Japanese art has shown our artists a new way of beauty, in which, by painting light in all its splendid manifestations, a new vista of artistic possibilities has been opened up. The monistic thought of Oriental philosophy has been more and more approached and assimilated by our scientific system. Only narrow-mindedness can see in this civilization a danger which we must subdue; only ignorance can consider it as worthless and vicious. We can imagine no greater political crime, not only against the Orient, but against ourselves, than the attempt to turn Oriental civilization from its natural course of development into alien channels, to destroy its broad and noble ideals, its peaceful industrial life, in order to force it into a sham similitude with our system, with the result that its millions will be doomed to a new slavery to alien capital, or to the warlike ambitions of a victorious Czardom. Nor has there ever appeared in political discussion a greater folly than the effort to conjure up the phantom of a great warlike movement on the part of these essentially peaceful societies, and to preach the Machiavellian doctrine, "Destroy them before they can destroy us."

PAUL S. REINSCH.

THE PROPER GRADE OF DIPLOMATIC REPRESENTATION.

BY JULIEN GORDON (MRS. VAN RENSSELAER CRUGER).

UNDER that title, the Hon. John W. Foster, veteran diplomat and statesman, presented to the International Congress of Arts and Sciences which met at St. Louis in September last a notable paper, valuable to those who take a special interest in our diplomatic affairs. It points out the inconveniences resulting to nations in general, and to the United States in particular, from the ancient system of graded diplomatic rank, as definitely settled at the Congress of Vienna in 1815. The gravamen of the paper, so far as the United States is concerned, lies embodied in the following statement: "The most serious embarrassment resulting from this difference in grade of diplomatic representation is furnished by the relations at present existing between the United States and Turkey. For a number of years past, these relations have been in a most unsatisfactory condition. In no country of the western world could the old fiction of the ambassador as the personal representative of the sovereign to-day approach so nearly a reality as in Turkey, as the Sultan is more fully than any other monarch the personal ruler of the state. All the great Powers of Europe, and even the Shah of Persia, are represented at Constantinople by ambassadors, and they exercise the right of access to the Sultan at will, to discuss official matters. The American ministers plenipotentiary have represented to their country that it is very difficult to get any just and proper consideration and despatch of their business, because of the irresponsible character of the Secretary for Foreign Affairs or even of the Grand Vizier, as all important matters are determined by the Sultan; and that, as they do not possess the ambassadorial character, they cannot without great difficulty have audience with him to discuss official business. To

remedy this embarrassment, President McKinley caused application to be made to the Turkish government for the appointment by the two governments respectively of ambassadors; but the proposition was not accepted by Turkey. The condition of the interests of American citizens in that empire continuing to be very unsatisfactory, President Roosevelt renewed the application for the appointment of ambassadors; but it was again rejected."

That an evil, rising far above the level of mere inconvenience, now exists to the detriment of the interests of American citizens, because there is no diplomatic representative of the United States of ambassadorial rank at Constantinople, is beyond question. How shall it be remedied? Mr. Foster's only suggestion is that relief can only come when "all distinctions and special privileges are abolished and a single grade is established in all the capitals of the world." Certainly, no such radical change could be hoped for in the ancient forms of diplomatic intercourse, except through a general agreement to be made at an international congress, in which it would be necessary to overcome the settled and persistent prejudices of monarchical European nations in favor of the existing system. It is hardly reasonable to believe that such a conversion could be worked, if at all, within the span of a single generation. Does it not, therefore, behoove the United States to resort to a more prompt and promising expedient? The Act of Congress of March 1st, 1893, authorizing the grade of ambassador, is as follows: "Whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or *chargé d'affaires*, he is authorized, at his discretion, to direct that the representative of the United States to such government shall bear the same designation. This provision shall in no wise affect the duties, powers or salary of such representative." It thus appears that, whatever be the urgent need of this country for an envoy of ambassadorial rank, at a particular time or place, the President is powerless to take the initiative in appointing him. Not until the government to which he is to be accredited has actually taken the first step, does the law in question become operative. Here is the primary difficulty to be dealt with, which seems to have escaped Mr. Foster's attention. Foreign governments, far older than our own, are naturally sensitive on that

point. They feel that their dignity requires that, in the appointment of ambassadors, we should take the initiative in the full sense of the term. As Mr. Foster well says: "Reciprocity of grade is not always observed. A representative of a lower grade is sometimes received from a country to which one of a higher grade is sent." If we saw fit to send an ambassador to Constantinople while the Sultan is represented at Washington by a minister plenipotentiary, certainly he should regard it officially only as a compliment. Is it not then far more practicable for Congress to so change our laws as to authorize the President to appoint ambassadors, regardless of the prior act of any other nation, whenever one is specially needed at a particular capital, than to call an international congress for the purpose of abolishing an ancient and deep-rooted institution?

But to this suggestion Mr. Foster would, no doubt, reply that the failure of Congress to provide additional and adequate pay for ambassadors renders it undesirable that their number should be increased. On that subject he has said, with force and feeling, that: "An envoy who is sent abroad to represent his country ought not to be expected to maintain a more expensive establishment than is warranted by the salary paid him, and yet every American ambassador accredited to the capitals of Europe, who in any degree meets the expectations of his countrymen, spends annually much more than he receives from the National Treasury. . . . The change of the American legations to embassies in the European capitals seems to have called for the maintenance of large houses or palaces and a much more lavish style of living, which have so greatly increased their expenditures that only persons of wealth can afford to accept these posts. It is a sad day for any country, but more especially for a republic, when its highest offices cease to be rewards of merit and fitness, and when they can only be filled by rich men." Here Mr. Foster has put his finger upon the sore spot which demands prompt and complete remedy, as it involves the dignity of a great nation. Certainly, there was a day in this country when, regardless of the pomp and state which they could maintain from their private purses, men of real distinction were sent to foreign courts as specimens of the genius of the American people. Money made is a brevet of brains, but inherited is an accident. It is a tradition that when Washington Irving, who had already published "The Conquest of Granada" and

"The Alhambra," desired to return to Spain in 1842, he sought Mr. Webster, who, as Secretary of State, remained in Tyler's cabinet after his colleagues broke with the new Executive. The modest request of this most modest of men was that he be allowed to enjoy, upon his return to Spain, the perquisites due the bearer of despatches to the minister to Spain, then about to be appointed. Mr. Webster gravely told him that if he would call the next day he would, after conference with the President, answer him. In the interview that followed, after a long prelude, Webster told Irving, with apparent embarrassment, that he was exceedingly sorry circumstances over which he had no control made it impossible that his request should be granted. When, in the best of humor, Irving attempted to make his way out, Webster, with a genial smile, explained to him the fact that he could not be commissioned as the bearer of despatches to the new minister to Spain as he was himself to fill that office. In the same generous spirit Bancroft, Motley, Lowell and Wallace were sent abroad on the strength of their literary laurels. Certainly, no country in the world is more able, or really more willing, than our own to sustain, in a becoming manner, its diplomatic representatives in foreign capitals. There is, certainly, no desire that the men who have the right, by virtue of their gifts, to represent us should be set aside to relieve our government of charges which other governments bear. And yet, through a strange carelessness and a false conception of what the nation owes to its own dignity, this very important matter has been neglected, until our changed and larger relations to the world's politics have made it a subject for urgent consideration.

Those who have seen anything of diplomatic life in European capitals, no matter whether in London, Paris, Berlin, Vienna, Rome or St. Petersburg, have been impressed by the salient fact that its centres are the embassies or legations founded by the several governments at their own expense, and maintained as permanent official establishments. As all the world knows, the English embassy at Paris, purchased by the Duke of Wellington from Pauline Bonaparte for the British Government about 1817, has since remained the residence of the British ambassador, and is as familiar an institution in Paris as the Foreign Office in London. The European idea is that such residences should be not only official, but permanent, and that the ambassadors or ministers should

go into and come out of such furnished houses just as the Presidents of the United States go into and come out of the White House. Above all, the place must be official, the place of the government to which it belongs, and not the private residence or social enterprise of the particular incumbent. No sporadic outlay of money, however lavish, by a very rich man, who has perhaps stumbled into diplomacy because he is rich, can constitute an establishment which is official in the European sense of that term. And here is the crux of the whole matter, so far as the present American plan is concerned. It is a mistake to suppose that our condition is improved by a rich American diplomat breaking out at Paris or Berlin with a palace whose rent consumes more than his whole salary, when the fact remains that he may be succeeded by a poor man who is forced to take modest apartments in some obscure quarter. The inequality which thus results produces a grotesque and undignified effect. It simply increases an evil which must be magnified each year unless it be decided that no American, however accomplished or distinguished, is eligible to diplomatic office, if he is unable to maintain its dignity out of his private purse. What the United States requires in European capitals is permanent and official diplomatic residences, in which all envoys, whether rich or poor, shall be expected to reside in a condition of quiet and unostentatious elegance consistent with republican institutions. Palaces are neither necessary nor desirable. The need is for elegant residences provided by this government, and furnished by it in such a style as to enable its representative to maintain its dignity without meanness or ostentation. If, in each capital, every American envoy were required to live in the house provided by the government, there would be produced at once an external uniformity in the outward life of each which would conceal the difference between the rich merchant diplomat and the brilliant, yet poor, scholar diplomat. It is true that the former could give more dinners, and pour out more champagne, and serve more truffles, than the latter; but otherwise their general mode of life would be equal. To provide such houses, it is not at all necessary or desirable that we should purchase them. Property-owners in Europe are only too willing to make long leases, with the right of renewal, to a government as a tenant; while the cost of furnishing would not be very considerable. When a careful calculation is made, it will be found that adequate unfurnished residences can

be leased in all the European capitals at an annual cost of less than a hundred thousand dollars for all. How petty an expenditure, when compared with the end to be attained! Thus relieved of the burden of providing houses, our ambassadors and ministers could get along very well on their present salaries. If the salaries were simply increased, without a provision for permanent official homes, no real good would be accomplished, because the chief evil would remain.

There never was a better time than the present for the accomplishment of this urgent reform, made more necessary than ever by our increased importance in the world's diplomacy—an importance not imperial, but democratic. The triumphant election of President Roosevelt proves beyond all question that his popular tendencies, his equal regard for the poor and the rich, have endeared him to all classes of the American people. His Secretary of State, whose popularity extends beyond his own party, is, like his chief, a member of that class of literary men from whose ranks American diplomats were, at one time, chosen. Certainly, two such statesmen would be willing to lend a helping hand to a reform which could not but appeal with peculiar force to both.

JULIEN GORDON.

TARIFF REFORM.

BY CHARLES J. BULLOCK, ASSISTANT PROFESSOR OF ECONOMICS
IN HARVARD UNIVERSITY.

I.

THE problem of tariff reform, like the poor, seems to be ever with us. Repeated victories for protectionist policies have often made it appear a dead issue, but it has never proved to be a satisfactory corpse. Twenty years ago Congress thought it had found a happy solution of the matter, in the Act of 1883; but in a comparatively short time the accumulation of an enormous surplus revenue made the reduction of federal taxation a live topic for political discussion. After a decade of controversy, in which the fortunes of the contestants varied and a peculiar complication of issues was caused by the rise of the silver question, the protectionists believed that they had won a definitive triumph when, in 1897, they placed the Dingley law upon the statute-book. The country seemed to have been convinced that the crisis of 1893 had been induced by a tariff law enacted in 1894; while the revival of prosperity in 1898 was commonly attributed to the Act of 1897. *Post hoc, ergo propter hoc* was the all-sufficient argument in the latter case; *ante hoc, ergo propter hoc* was the conclusive logic employed in the former. Tariff reform had been once more consigned to the grave, and the protectionists chanted a solemn requiem for the repose of its soul; yet it had been slain by logic so foul that its troubled spirit has never ceased to disturb the dreams of the beneficiaries of the present law. The dead issue has again awakened to new life, and has found fit embodiment in a growing demand that certain clauses of the existing tariff shall be revised.

Popular discontent with the Dingley act is based upon at least four separate reasons, which appeal with varying force to different sections of the country. In the first place, there are many pro-

tectionists who believe that the tariff was intended to stimulate the growth of infant industries, and feel that it has now fulfilled the purpose for which it was designed. Even Mr. McKinley, in his address at Buffalo, intimated that certain duties are no longer needed on this score, and suggested that they might be used as a means of negotiating for commercial advantages in other countries. Then the increased exportation of manufactured products in recent years has given added force to this contention, since it is hard to demonstrate that there is urgent need of protecting an industry that can maintain a continuous trade in foreign markets. Moreover, remarks about the pauper labor of Europe lose their impressiveness when French and German statesmen begin to consider measures for protecting their countries against the competition of American workmen.

A second reason for dissatisfaction developed when our manufacturers began to organize trusts. From the very inception of their favorite policy, protectionists have been compelled to meet the standing objection that their system benefits particular classes at the expense of the rest of the community. Free-traders have asserted that the Government, when it levies a protective duty, holds up the consumer at the custom-house while the domestic manufacturers go through his pockets. The answer of the protectionists has always been the same as that which Hamilton advanced in his famous "Report on Manufactures": "When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. . . . The internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing and with experience." It is no part of our present purpose to consider the relative values of the objection and the answer; our only object is to point out the fact that the argument for protection has always rested upon the assumption that domestic competition ensures fair treatment of the consumer. Even Hamilton conceded that it "is not an unreasonable supposition that measures that serve to abridge the free competition of foreign articles have a tendency to occasion an enhancement of prices"; and his followers have invariably adopted the line of defence which he employed. Now, it is self-evident that the

growth of trusts has invalidated, to a damaging extent, the traditional argument in defence of protection; and it is not strange that of late the present tariff has been roughly handled even in the house of its friends. "Our infants," as a prominent Republican recently remarked, "have become big enough to rob the old man."

The next ground of complaint is found in the duties that are now imposed upon certain raw materials. The tax on hides has aroused lively opposition among the boot and shoe manufacturers of New England. That upon coal attracted general attention during the anthracite strike, and our people have learned that it was "sneaked" into the Dingley bill by the sharp manœuvres of a malodorous Pennsylvania boss. The duties upon wool are exorbitantly high, even from a protectionist point of view; and they are serving to narrow that portion of the woolen market in which the competition of other fabrics is seriously felt.

A fourth reason for discontent appeals to those who desire freer commercial relations with Canada. From the Atlantic to the Pacific and from the Rio Grande to the Great Lakes, Americans may trade with Americans without let or hindrance. But on our northern border a chain of custom-houses draws a dead-line beyond which trade may not be pushed, save upon payment of heavy fines. The protectionists, it is true, have always attached a profound economic significance to the imaginary line which separates American from Canadian soil; but their arguments have never appealed with great force to business men who have desired to prosecute a profitable trade beyond our northern frontier. In recent years our merchants have watched the growth of a movement toward the establishment of an Imperial customs union, by which Great Britain and her leading colonies would accord to one another mutual advantages that would be denied to other countries. Duties that discriminate against American imports have already been laid by Canada, and it is not impossible that Great Britain may yet accord to Canadian wheat preferential rates over American. Thus a renewed interest has been aroused in reciprocity with our northern neighbor.

And so it has come about that the politicians are observing the temper of their constituents, in order to ascertain whether it is safe to refuse to modify the present law. Upon every hand, it is recognized that modification will mean a reduction or a repeal

of existing duties; of an increase, absolutely nothing is heard. Eight years ago, the protected industries had good reason to think that the favors which they had extorted from Congress were safe for a generation to come; to-day, they are upon the defensive, and fight merely to retain what they now have. He would have been deemed a rash prophet who had ventured to make such a prediction in the year 1897.

II.

At a moment when a reduction of protective duties seems to be only a question of time, it may be worth while to invite attention to a simple object-lesson of the benefits that flow from unrestricted commercial intercourse. The writer does not imagine that absolute freedom of trade is to be established; and he would not argue that an immediate repeal of all duties would be desirable, even if that were possible. But it does seem probable that protectionism reached the height of its power in 1897, and that the future belongs to the advocates of a more liberal policy. If, then, we have finally reached the top of the divide, it is time to prospect the country that lies beyond.

A careful survey of the ground, it is believed, will demonstrate that a system of free exchange involves nothing that is essentially different, in its economic nature, from what the people of the United States have practised in their domestic affairs for more than one hundred years. Over a territory nearly as large as the whole of Europe, our Constitution established absolute freedom of trade, and under this policy all sections of the country have grown and prospered. Of this a striking object-lesson may be drawn from that fastest stronghold of protectionism, the State of Pennsylvania; and this, too, from the commonwealth's leading industry, the manufacture of iron and steel.

In 1870, the iron trade of Pennsylvania was located chiefly in the eastern part of the State, near the deposits of iron ore as well as the anthracite coal-fields that supplied the principal form of fuel then used in smelting. During the next twenty years, however, revolutionary changes occurred, and the seat of the industry was transferred to the vicinity of Pittsburg. This revolution was due principally to two causes. In the first place, bituminous coal, mainly in the form of coke, superseded anthracite as the fuel for the blast-furnace; and this favored the growth of iron manufactures near the bituminous mines in the western part

of the State. Then, in the second place, the ores produced in New York, New Jersey and Pennsylvania were largely displaced by those secured in the region south and west of Lake Superior. This circumstance, also, compelled the migration of Pennsylvania's iron trade to a location nearer the rich mines of Michigan and Minnesota. Connellsville coke and Lake Superior ores have been the decisive factors in determining the supremacy of the Pittsburg district; without them, the progress of recent decades would have been impossible.

Pennsylvania was fortunate in possessing the bituminous coal that has given to Connellsville coke its exceptional availability for the purposes of the ironmaster; but, in respect to the supply of iron ore, her situation was far less favorable. Since 1860 the cost of manufacturing steel has been so greatly cheapened that this material has largely displaced iron, and its production has increased enormously. The greater part of the product has been obtained by the processes invented by Sir Henry Bessemer, although other methods have found increasing employment in recent years. Pennsylvania has large deposits of iron ore; but the output of some mines contains too much sulphur or phosphorus to be of Bessemer grade, while other ores, although freer from these troublesome substances, yield a relatively small proportion of pure iron. In both of these particulars the ore that comes from the Lake region is unexcelled, and improved methods of mining and transportation have enabled it to find its way into remote Eastern markets. Thus it has come about that Pennsylvania ores have played an insignificant part in the recent development of the steel industry of that State.

Another result of the increased use of Lake Superior ores has been the rapid growth of the iron and steel trade in Ohio and Illinois. A considerable part of the ore is transported to Chicago, where it is smelted with fuel brought from the mines of Pennsylvania or West Virginia; still more is carried to Toledo, Cleveland, and other points on Lake Erie, where it is claimed by the ironmasters of Ohio. Connellsville or West Virginia coke can be brought to these points at comparatively small expense, and the manufacture of iron and steel has increased with leaps and bounds. In 1880, Illinois produced but 85,000 tons of pig iron, while in 1900 her output was 1,469,000. In the former year, Ohio's product was 489,000 tons, and in the latter it rose to

2,559,000.* Twenty years ago, these two States produced only one third as much pig iron as Pennsylvania; to-day the proportion has increased to nearly two-thirds.

Attention has been called to these facts because they show the important part which the introduction of Lake ores has played in the recent growth of the iron and steel trade of the United States. The industry has naturally gravitated toward the West, Ohio and Illinois have forged their way to the front, and Pennsylvania has maintained her position as the leading producer only by making strenuous efforts to secure the best available ores at the lowest possible cost. If she had failed in this, her sceptre would have passed to other hands; so that her steel industry to-day is an eloquent witness to the importance of free trade in the raw materials upon which its success depends.

III.

So much for the historical facts and their obvious interpretation. We may now consider what would have been the result if freedom of exchange had not existed. Let us suppose that in 1880 Pennsylvania had been an independent commonwealth, free, therefore, to regulate her external commercial relations in whatever manner she might desire. She had important interests that centered in the production of iron ore; she had also a dominating position in the iron and steel trade of North America. Both of these industries, doubtless, would have claimed the fostering care of the Government, and would have been protected by substantial duties upon the importation of competing products. Free trade with such a foreign community as New Jersey would not have been tolerated for a moment, and the boundary line between the Keystone and the Empire States would have possessed profound economic significance.

Suddenly there arises in this blest land of protection, whose peace is never disturbed by the voice of a free-trader, the spectre of impending ruin to one of its great industries. Upon the southern shores of Lake Superior some wonderful iron mines had been developed, and it was rumored that even greater deposits

* Equally interesting are the figures showing the production of steel in all its forms. In 1880, Ohio and Illinois manufactured 623,000 tons of steel products, and Pennsylvania's output was 1,483,000. In 1900, the former States produced 4,222,000 tons, while the latter manufactured 8,503,000.

had been discovered still farther to the west. In 1860, the entire output from this region was hardly more than one hundred thousand tons, and the intervening distance was so great that it seemed impossible that the ore could ever be brought into Eastern markets. Under such circumstances, Pennsylvania had been content to impose upon iron very moderate duties, which had been "scientifically" adjusted by a commission of "experts," so that they precisely covered the difference between the cost of production in the best mines of New York or New Jersey and that which prevailed in the poorest local mines that it seemed worth while to keep in operation. But now the development of the resources of the Lake region and a great improvement of means of transportation had enabled Michigan ores to come into Pennsylvania over the barrier set by the protective duties, while, moreover, the steel manufacturers were showing a decided preference for the imported product. By 1880 the output from the Lake Superior mines almost equalled the amount produced by Pennsylvania, and it seemed that a veritable inundation of Western ores was about to take place.

Immediately the owners of iron mines began to clamor for higher duties. They represented enterprises which, according to a census taken that very year, employed nearly nine thousand men and a capital of \$17,621,000. Upon this imperilled industry the livelihood of nearly fifty thousand people depended. Could the land that had produced an economist like Carey and a statesman like Kelley idly watch the destruction of such important interests?

When the question was first raised, the steel manufacturers contended that the duties were already too high, because the welfare of their industry depended upon their ability to secure good Bessemer ores. This action called forth a long letter from "Pig-iron Kelley," who justly rebuked the steel men for their selfish attitude. He showed them that protection must be a national policy that applied equally to all industries, and intimated that the representatives from the eastern counties would vote to remove the tariff upon steel if the people from the Pittsburg district refused to deal fairly with the producers of iron ore. When Mr. Carnegie, the spokesman of the steel manufacturers, replied that there was no adequate reason for increasing the existing tariff on ore, Mr. Kelley retorted that, in Pennsylvania, the burden of

proof would always fall upon the person who advocated any duty of less than one hundred per cent. In the end the manufacturers, seeing that the battle was going against themselves, withdrew their opposition to the demands of the miners, in consideration of a substantial increase of the duty upon steel. Thus, after a number of minor industries had received similar inducements, the legislature raised the duties upon all iron ores to a flat rate of three dollars per ton.

The rest of the story is quickly told. Events proved that the steel industry could not be developed upon any large scale without an abundant supply of the Lake Superior ores. This fact was perceived by the people of Ohio, who immediately repealed all duties upon these valuable raw materials. Happily for that State, the domestic production of iron ore had always been so small that the miners were unable to make any effective opposition. If Ohio had been unlucky enough to possess large deposits of ordinary ores, her industrial development might have been seriously checked, because her people had always favored the general policy of protection. But in this case it did not seem worth while to cripple the steel manufacture for the sake of an industry that employed less than two thousand men. Thus it came about that the ores which Pennsylvania rejected contributed to the rapid development of the steel industry of her neighbor. Ohio levied no duties upon the coke which her manufacturers brought, under very favorable conditions, from Pennsylvania and West Virginia, since here again there was no local interest strong enough to stand in the way. Pennsylvania was able, by means of heavy duties, to preserve the local market for her iron and steel manufactures; but in all neutral territory Ohio's ironmasters established their complete supremacy. In the course of time, Mr. Carnegie, abandoning an unequal contest, built enormous plants at some of the Lake ports of Ohio, and reduced the capacity of his Pittsburg mills to the demands of the "home market." Pennsylvania had protected her iron mines, but had lost the magnificent steel industry that might have been hers for less than the mere asking.

IV.

We have left the domain of history to dwell for a time in the realm of hypothesis, for the purpose of enforcing the principle that freedom of exchange is favorable to the highest development

of the industries of a community. Granting, for present purposes, that there may be exceptions to the rule, the general truth of the proposition finds striking confirmation in the example which Pennsylvania affords.

Usually, when an appeal is made to the experience of the United States under the policy of unrestricted domestic trade, the protectionist argues that with foreign commerce the situation is radically different. If the iron miners of Pennsylvania were injured by the introduction of Lake ores, Minnesota and Michigan received great benefits, so that the country, as a whole, lost nothing. But he contends that the importation of cheaper *foreign* products throws domestic labor and capital out of employment, and reduces to that extent the opportunities open to home industry.

It is precisely at this point that the experience of Pennsylvania will enable us to detect the fallacy of the protectionist's argument. He assumes that the field of investment is limited to the opportunities that are utilized at any given time, and that, if producers are driven out of any existing industry, they cannot find employment elsewhere. In this respect, his theory is precisely like that of the trade-unionist who would prevent a laborer from doing all the work he can reasonably perform, or would oppose the introduction of a new machine, in order to avert a possible reduction in the demand for labor. Both perceive nothing but the immediate injury done to a certain number of persons by the introduction of a cheaper commodity or a labor-saving appliance; yet their argument is not wanting in plausibility, since they can point to something that is seen and tangible.

Most of us are convinced that machinery does not permanently reduce the demand for labor, even though it may effect a temporary displacement; and the same thing is true with the importation of a cheap commodity. Pennsylvania has imported Lake Superior iron, and this ore has been largely substituted for the product of her own mines. The census of 1880 showed that the State produced at that time 2,185,000 tons of iron ore; while the statistics gathered by the Geological Survey place the product for 1900 at 877,000 tons. Free trade has destroyed the larger part of what was formerly a great industry, mine after mine has been closed, and labor and capital have been thrown out of employment. So far as Pennsylvania is concerned, the iron from

Michigan and Minnesota was precisely like an import from a foreign country; and the protectionist's theory would compel him to affirm that the industries of the State were decreased by the introduction of these ores. Yet we know that the development of the Lake Superior mines has been of the greatest benefit to Pennsylvania, as well as to other States.

The explanation of the problem is found in the fact that the field for the investment of labor and capital in Pennsylvania was not limited to the opportunities that were utilized in 1880. Cheap iron made it possible to develop the manufacture of steel at an astonishing rate; while cheap steel benefited almost every other industry in the State. The loss occasioned by the closing of certain mines was insignificant, when compared with the advantages derived from the trade in Lake Superior ores; and Pennsylvania would be poorer to-day if she had been able to place a prohibitory tariff upon iron twenty years ago.

Our conclusion is, therefore, that the introduction of a new import simply forces labor and capital into other branches of industry, and does not permanently narrow the field of investment. If some initial loss is occasioned by the displacement of certain domestic enterprises, this is more than counterbalanced by the saving which the consumers are able to effect, because the consumers of any article will generally outnumber the producers. When the imported commodity is a raw material, the advantage may accrue in the first instance to those who use the article for industrial purposes; but, in the end, the benefits will be diffused among the masses of the people. Until we can foresee some limit to the growth and diversification of human wants the result can never be otherwise.

By an appeal to the actual experience of one of our leading industries, we have endeavored to show that freedom of exchange involves nothing that is essentially different from the conditions that have always governed the internal trade of the United States. If we are soon to enter upon a more liberal policy in respect to external commerce, it may be reassuring to realize that we are not embarking upon a voyage in unknown seas. Students of our economic history may safely indulge in the belief that at the end of the journey lies no wholly unfamiliar land.

CHARLES J. BULLOCK.

THE PANAMA CANAL FROM A CONTRACTOR'S STANDPOINT.

BY GEORGE W. CRICHFIELD.

IN his very interesting discussion of the Labor Problem on the Panama Canal, in the July number of the REVIEW, Brigadier-General Hains overlooked certain important considerations affecting the number and character of employees required for that work. But before proceeding to consider his suggestions with reference to the best methods of doing the work, let us examine briefly the nature of the undertaking itself.

From Colon to Bas Obispo, a distance of twenty-nine miles, the territory is practically one vast *manglare*; that is, low marshy land, covered with the densest tropical growth of trees, vines and underbrush, so as to be entirely impenetrable in most parts, except for a man with heavy boots and a machete. During the rainy season, or about nine months in each year, the larger part of this territory is covered with water, which, as the wet season draws to a close, in places becomes stagnant. The ground is of the softest, richest loam, the product of the decay of thousands of years of dense tropical forests, and this, under water, becomes mud of the worst nature, filled with rotten logs, stumps, poisonous vines, thorns, dangerous prickly plants, and many trees of poisonous sap. The mosquitoes in these unending swamps are terrible, not alone in their number, but in the amount of poison which they convey in their stings. In these dense undergrowths, where the sun cannot penetrate, they are as numerous and vicious by day as by night; and it will be utterly impossible for workmen on this section of the Canal to protect themselves against their bites. I have stood behind a transit in just such a jungle, when, even at midday, I would be so thoroughly covered with mosquitoes that it would be difficult to tell the texture of my clothing, while from

the same cause the blood would be oozing in drops from all parts of the bodies of our horses, which were in camp. This mosquito poison produces the gravest consequences. Malaria in its most malignant form, frequently resulting in death, is due principally to the poison from mosquitoes, while a large percentage of the nervous derangements, which so seriously affect the heart and are so prevalent in tropical countries, are due to the same cause.

The horrors of the *manglare* are not yet fully described, nor indeed can they be. Snakes, of the most venomous type, are to be found without number. Strange to say, the most dangerous snakes are small, so that among the leaves it is almost impossible to see them.

For an ordinary white man, without experience, to attempt to penetrate these jungles alone means death, and nothing but death. Only natives, accustomed to the forests, and masters of the machete, are at all competent for the task. The climate in this section of the Canal zone is intolerable. Amateurs who take ship from New York to Colon in January, the best month of the dry season, and spend their time mostly under the shade trees on the beach in front of the Panama Railway Company's hotel, enjoying the sea-breezes, may return and report that the climate of Colon is all right, and that there need be no great mortality in digging the Canal. But the sea-breeze scarcely moves a leaf in these mighty jungles, and for nine months there is rain, rain, nothing but rain; while, at intervals, in the sticky, humid, suffocating atmosphere, the sun breaks through the clouds with a broiling, overpowering heat. The dry season is not long enough to enable the water to dry up, and even during that season there are showers and drizzling rains nearly every day.

These, then, are the unfortunate topographical and climatic conditions over more than half the territory through which will run the Canal. On the Pacific side, from Panama to Pedro Miguel, a distance of nine miles, a somewhat similar condition exists, but by no means so bad. The Canal there passes through extensive marshes, and great hardships and loss of life will inevitably be sustained in this section, but nothing in comparison with what will be experienced on the Atlantic side.

The intermediate section comprises what is known as "Culebra Cut," about eight miles in length, extending from Pedro Miguel to Bas Obispo. The ground here rises with considerable abrupt-

ness from each of the places named, and at Culebra, the lowest part of the ground is 330 feet above the level of the sea, while the hills extend much higher. This is the most picturesque and healthful section of Panama. Yellow fever never reaches Culebra, except sporadically, even when epidemic at Colon; there are no mosquitoes to speak of; and there is no reason why an army could not be encamped in any part of this territory as safely as upon the heights of the Hudson. The United States marines have been for a long time located at various points in this section, in perfect comfort and health.

I.

The preliminary report submitted by Admiral Walker's Isthmian Canal Commission contemplates the building of an immense dam at Bojio, a distance of seventeen miles from Colon. This dam would extend nearly half a mile, between two mountains, or high hills, crossing the channel of the Chagres River. Between Bojio and Bas Obispo the country is almost level, shaped like a dish, with a rim of higher ground surrounding it. The building of the Bojio dam will convert this territory into a large lake, with a surface of twenty-five or thirty square miles. It is argued that by this plan it will only be necessary, between Bojio and Bas Obispo, to do very superficial work along the Canal, the course of which would be indicated by buoys through the lake. Double locks would be constructed at Bojio, sufficient to lift the vessels ninety feet; and, of course, corresponding locks would have to be built on the Pacific side. Every time a vessel passed through the Canal, a large amount of water would be lost at the locks; while the overflow at the spillways would be continuous, so that it is necessary under this system to make provision for supplying the upper section of the canal with at least eleven hundred cubic feet of water per second. The auxiliary works required for the Canal, if this plan be adopted, are in themselves engineering problems of great magnitude, and it is to be feared that their cost, and the difficulties in the way of their execution, have been greatly underestimated. The foundations of the great Bojio dam, for instance, must be sunk more than 100 feet below the surface of the earth, in order to encounter a rock foundation, across the path of a treacherous and at times torrential stream. All the material must be transported long distances, and the work done under the climatic conditions above described. The other collateral works

contemplated by this plan are on an almost equally gigantic scale, and their magnitude and probable cost are sufficient to warrant the most searching investigation before the definite adoption of such a plan. Whether the Isthmian Canal Commission is fully committed to this particular lock-system is unknown.

The advocates of the lock plan have brought forth half a dozen schemes in times past for overcoming the Culebra Cut. One plan contemplated a series of six locks, to raise vessels 125 feet; and another ten locks to raise them 170 feet. By the latter system, two great dams would be required, one across the upper and the other across the lower Chagres, forming two lakes. One not familiar with engineering work can form but an inadequate idea of the massive masonry required for the construction of these dams and locks. If there is any merit at all in the lock system, it would appear that ten locks would be better than four, and two lakes better than one, for that would save 170 feet of cutting in the Culebra district instead of ninety. Indeed, it is difficult to avoid carrying this argument to its logical conclusion, by suggesting that, if the principal object is to get across the Isthmus with a minimum of digging, it would be better to abandon the idea of a canal entirely, and construct instead something after the plan of Captain Eads's fantastic ship-railway. De Lesseps figured that a lock canal would require 85,000,000 cubic yards of excavation less than a tide-water canal, and that \$120,000,000 would complete the work, but his figures were entitled to no weight whatever. As a matter of fact, no one, even up to the present time, has given anything like an accurate estimate of the cost of the enormous auxiliary works which are indispensable in a lock system. De Lesseps spent about \$300,000,000, of which \$200,000,000 were stolen or wasted, and he never pretended to commence work on any lock or dam.

II.

After having made a careful study of the Canal on the ground in January and February last, I am constrained to dissent from the plan proposed by the Canal Commission for the construction of the work, as I likewise differ from the suggestions made by Brigadier-General Hains as to the methods of its performance. The Canal Commission, government engineers generally, and most writers on the subject, speak of a lock system as though it were a foregone conclusion, with its dams, reservoirs, aqueducts,

spillways, etc. No one seems to entertain the thought of a deep-sea Canal; it is taken for granted that locks are necessary; and the very mention of Culebra Cut calls forth exclamations of amazement at its vastness, and speculations as to the number of years necessary to accomplish the gigantic task of cutting it. In order to make this cut ninety feet shallower than would be necessary for a deep-sea Canal, the engineers stand ready to sink tens of millions of dollars in locks, dams and other appurtenances. To me all this seems a stupendous mistake, and I venture the prediction that, if the Canal is built on such a plan, it will not be fifty years until the United States will tear all these locks and dams out, and dig the Canal as it should be dug now—that is, forty feet below low tide-level.

Notwithstanding its apparent magnitude, the Culebra Cut is unquestionably the safest and easiest part of the Canal. It is the only place where white men can live and work in security. In that space of eight miles, machinists, engineers, contractors, foremen, laborers, superintendents, everybody connected with the work, will live as safely and comfortably as they could in New York or Illinois. The machinery required for handling material such as that in the Culebra Cut is of the simplest character, and comparatively inexpensive. An overhead cable, with a hoisting-engine, such as was used on the Chicago Drainage Canal, is the principal thing needed, and one of these will not cost over \$10,000 installed for service. Where there is earth the skips can be loaded by steam-shovels; if there is rock, drills are necessary, but these are not costly. How to handle the Culebra Cut is the simplest and easiest problem connected with the Canal. Obviously, the work should be let in sections to private contractors. The proposition for the United States Government to attempt this work by day labor seems unwise. Uncle Sam is an excellent policeman, but he is a poor contractor. Work done by the Government is notoriously slow and expensive, hedged about with red tape and circumlocution. A Government department is the very graveyard of originality, energy and enterprise. Under such a method, every time the Chief Engineer had the earache, work all along the line would be demoralized until he recovered. Questions of rank, precedence, authority, political pull, and a thousand other extraneous matters would be injected into the enterprise, while Boards, Commissions, Investigating Committees, Congressional

junkets, would become as numerous as holidays in Latin America. Every Congressman and Senator would have his protégés to be shouldered on to Uncle Sam, and Panama would become the paradise of all the high-salaried loafers in the country. Besides, the legitimate administrative machinery for executing the work in such a manner would be cumbersome in the extreme, easily disorganized, liable to become the football of politics or to fall to pieces of its own weight.

The same remarks apply to any plan of awarding the contract to one large company. No contracting concern in the world has the resources, or, what is of more importance, the skilled superintendence and trained organization necessary for handling such a mammoth work. Nor can we afford to put the Canal at the mercy of the possible failure or mismanagement of any single corporation. In such a case, death or bankruptcy might seriously retard the work, while bad faith or incompetency might cause entanglements which it would require years to unravel. By letting the work in sections to many separate contractors, the nation would get the benefit of the judgment and experience of an army of men—superintendents, experts and foremen—who are accustomed to deal with and overcome all manner of obstacles. If one or more contractors should fail, or prove unequal to the task, no general demoralization would result, and there would be others fully equipped ready to take their places.

Culebra Cut should be divided up into twenty sections at the very least, possibly more, and each section should be let to a responsible contractor upon competitive bidding. If the Government would pay seventy-five per cent. of the value of the work, every two months, upon partial estimates, as the work progresses, a contractor with \$200,000 capital could very easily handle one of these sections. The brainiest, most pushing and progressive contractors in the United States are not millionaires, but a responsible man of experience would have no difficulty in getting financial backing to that extent for a work of that character. Every contractor on the Culebra Cut should be required to establish one overhead cable for each one hundred linear yards of his section, with the corresponding tools and equipment necessary to keep it occupied. He should work night and day, stopping for Sunday only. The men should work in three shifts, the first from midnight to eight in the morning; the second from eight in the

morning to four in the afternoon; and the third from four in the afternoon to midnight. If the Culebra Cut were handled in this manner, there would be no difficulty in completing it, to a depth of forty feet below the level of the sea, in three years after the machinery was installed. Most of this machinery ought to be installed within ninety days after the contracts are let, for it is of the simplest character, and is carried in stock by the large supply houses. Establishing one cable-way for every one hundred yards for the whole length of Culebra Cut would mean about 150 cable-ways, costing somewhere from \$1,500,000 to \$2,000,000. Each of them should handle daily 500 cubic yards of excavation, working in three shifts of eight hours each, allowing twenty minutes to each shift for intermission. That would mean nearly half a million cubic yards a week, or the entire quantity estimated by the present plan in two years.

III.

The remainder of the Canal will be incomparably more difficult; and, notwithstanding the alluring figures made by the engineers, I predict it will prove vastly more costly. The great loss of life will occur between Colon and Bas Obispo, and the victims here will inevitably be numbered by the thousands. An American unaccustomed to tropical climates who accepts employment on this section will, more often than otherwise, pay the penalty of his ignorance with his life. All the Sanitary Boards on earth cannot prevent a frightful mortality in this section. There is no method known by which such vast jungles can be cleared of mosquitoes, and these malaria-breeding pests are more to be feared than yellow fever or small-pox.

This work should likewise be let by contract, in sections; but, as the work is largely dredging, it will be advisable to increase the length of the section. It would be a large contracting company which would attempt to dredge out more than one mile of this part of the Canal, and it would be advisable to let the work from Colon to Bas Obispo in twenty-nine separate contracts. On the same basis, nine contracts should be let from Panama to Pedro Miguel. This would be a total of fifty-eight separate contracts which the Canal Commission ought to make, and it is to be hoped that nearly that number of independent contracting concerns would take part in the work.

IV.

The question of making a deep-sea Canal, while we are about it, must be looked at, not only from the standpoint of the engineer or contractor, but from the broader view of practical statesmanship, which should ever be considering the future. Brigadier-General Hains remarks: "The Isthmian Canal Commission fixed upon 740 feet for the length of the locks, yet the ink with which the members penned their signatures to its report was scarcely dry before it was reported that the Cunard Line was about to begin the construction of one or more ships that would be too long to go through them." But if the Canal Commission was in error on such a vital yet simple matter, it cannot be assumed that its judgment is infallible on those greater and more complicated phases of the problem which it may require years or generations to develop. From the standpoint of the engineer or contractor, any plan of the Canal would be studied with reference to its practicability, first cost and future maintenance. But the statesman, whose opinion should be that of the great American people, while paying due regard to the engineer's or contractor's view, should look at the work with reference to the purpose for which it is designed to be used. Unquestionably, the transcendent object which the American people have in digging the Canal is to provide for the national defence. We speak of the Canal as a great work intended to promote commerce, and so it is incidentally; but not in a hundred years would this Canal have been built if that were its only object. Heavy freight is now shipped from San Francisco to New York by the Horn for six or seven dollars a ton. The cost of transshipping goods by the Panama Railway is by no means exorbitant; at least, it is not sufficient to justify such a vast undertaking from purely commercial motives. The fact is that the trip of the "Oregon," during the Spanish-American war, was a vivid object lesson to the whole American people. The vast extent of our coast, and the supreme importance of being able to reach all parts of our domain by interior lines, were impressed upon our people in a never-to-be-forgotten manner. The Canal is essential to our national defence, particularly if we should become engaged in war with a great naval Power. Peace conventions may talk of disarmament, and well-meaning writers may advocate a neutral Canal; but the moment we have war with a great naval Power, the United States will be compelled, as a

matter of self-preservation, to fortify the Canal, and defend it by every method in its power, for the purpose of permitting the passage of our own vessels, and preventing those of the enemy. From a military and naval standpoint, every fact and argument is in favor of a deep-sea Canal. To defend a deep-sea Canal implies merely fortifications at Colon and Panama, with some good iron-clad monitors in either harbor. No large body of land troops would be necessary, and the few needed could remain usually in the Culebra district. But how would we defend the Canal if it be built in accordance with the plans of the Isthmian Canal Commission? A stick of dynamite from the hands of an Indian would blow up the costly Alhajuela dam, or the Bojio dam, or the locks at Miraflores or Pedro Miguel, or the Gigantic Spillway, and an accident to any one of these would render the Canal useless for months or perhaps years. In the face of an alert enemy, it would be necessary to guard every one of these points, and many others, with a large standing army, for a small force might be surprised and overcome before reinforcements could reach it. As most of these works are to be located in the low country above described, it must be evident that our troops would die by the thousands, if compelled to remain there for the protection of the Canal during a war of any considerable length. Aside from the dangers of hostile invasion, our own experience with large dams, notably at Johnstown and Fort Worth, is anything but reassuring. The Bojio dam is designed to withstand the power of the Chagres, a stream which, during the heavy tropical rains, is a veritable torrent. No engineer can assert positively that that dam will stand. It will require years to build it; yet it may be swept away in an hour by a flood, or destroyed by an earthquake, or it may give way for any one of fifty reasons which the wisest engineer cannot foresee, in such event rendering the Canal absolutely useless, until it should be reconstructed. The cost of maintaining and operating a lock canal would be heavy, and even if a tide-level canal should cost \$50,000,000 or \$100,000,000 more, it would be cheaper in the end.

V.

Coming back to the contractor's view-point, I will express the opinion that the first cost of a deep-sea Canal would be absolutely less than that of the one proposed by the Commission, with

its enormous dams and locks. No one can probably estimate within \$25,000,000 of what the Canal will actually cost, so that statements made on this phase of the case are, necessarily, largely conjectural. The United States engineers evidently believe that vast sums will be saved by their plan of construction, but all the figures which I have seen, and all my experience in contract work in the tropics, lead me to a different conclusion. Brigadier-General Hains's estimate of the number of men required for the work may be taken as an illustration. He allows 1,000 men, each, on construction of the locks at Bojio, Pedro Miguel and Miraflores, or 3,000 on locks; 1,000, each, on the Bojio dam, the Ahajuela dam, and the Gigantic Spillway, making a total of 6,000 men on dams and locks. He estimates only 1,000 men necessary for dredging purposes, and 3,000 at the outside for work at Culebra Cut; so that, according to his figures, nearly twice as many men would be employed on these appendages of the Canal as on the work proper. Personally, I do not think any such proportion would be necessary in actual construction; but it seems clear that the men required for this collateral work would be sufficient to make up the difference in the excavation of a deep-sea Canal. The bulk of this difference is comprised in the additional ninety feet which it would be necessary to cut at Culebra. It seems certain that if, in a given length of time, 3,000 men could finish the excavation of Culebra Cut to a depth of 270 feet, the addition of 6,000 men would finish the additional ninety feet required to make a deep-sea Canal, in which case all this tremendous system of dams and locks would be dispensed with. At all events, it would certainly be easier to figure definitely upon such items as dredging and excavation, than on all the complicated elements necessary to be considered in the lock system, involving foundations of uncertain materials in treacherous soil, the strains on huge masses of masonry, and a thousand other things not at present thought of.

VI.

With reference to the character of labor best adapted to the work, and the method of dealing with that labor, Brigadier-General Hains thinks that the Southern negroes "would furnish an excellent class of labor for work on the Isthmus," and that "they should be quartered in buildings provided by the Government, supplied with good, wholesome food, a certain amount of

light cotton working-clothes, and medical attendance." It is to be feared that the General has never had any experience in working negroes in the tropics. Give the average Southern negro "good, wholesome food," "light cotton working-clothes and medical attendance," and he would not do one good day's work in a month, unless an overseer stood over him with a lash, a thing which our Government could not permit. It is doubtful if a thousand million dollars would complete the Canal on such a plan. Despite the almost universal impression to the contrary, the Southern negro is totally unfit for work in the tropics. Every attempt to establish colonies of Southern negroes in Mexico, or other tropical or semitropical countries has resulted, not alone in failure, but in an appalling loss of life from small-pox, homesickness, and other causes. The negro is only an emotional child. He may make a brave dash on a battle-field, if a band is playing; but alone in a dark jungle at night, he is the veritable image of terror and despair. The Southern negro lives in a climate which, on an average, is magnificent. His work on the cotton plantations is exceedingly light, while that on the Panama Canal will be the heaviest in the world. The negro has not the power, which the white man possesses, of adapting himself to conditions, or overcoming danger. In Jamaica, Curaçao and Trinidad a sprinkling can be obtained of fairly good negro laborers, who have worked in mines in Colombia and Venezuela, and are therefore familiar with the rigors of the torrid zone, but little reliance can be placed even on those. They are a lazy, quarrelsome good-for-nothing lot, victims of constitutional diseases, and of an indolence even more deeply seated. If transported to Colon, the Southern negroes would die by the thousands. Homesickness would claim more victims than dysentery or malaria. But, whatever the cause, the sensational press could be relied upon to make the most of it, to the discredit of the National Administration, and the scandal of every official connected with the work. I have handled thousands of laborers of all nationalities on heavy works in the tropics, under precisely the conditions existing on the Isthmus, and I have found negroes to be the least desirable class. They are a positive detriment and nuisance, eating and wasting more food, calling for more medical attendance, doing less work, and causing more trouble than any other class.

In my opinion, the best and most available labor for the Canal

will be found among the native peons of the lowlands of Mexico, Central America and South America. These people are mostly descendants of the old Spanish *conquistadores* and the Indians. They have been accustomed all their lives to conditions such as prevail on the Isthmus, so they will not become panic-stricken on account of mosquitoes, snakes, rain, small-pox or yellow fever. These men are of slight build, but wiry and strong; mostly ignorant but exceedingly imitative, learning to do ordinary work in a marvellously brief space of time. Among the Mexicans, considerable numbers of engineers for steam-engines can be found, with a smaller number of fairly good mechanics.

On all sections of the Canal the civil and mechanical engineers, superintendents, foremen, and machinists should be Americans and Germans. Few Englishmen will be found adapted to this work; while, as a rule, Frenchmen and Spaniards are out of the question. Occasionally, a good Italian or Austrian foreman can be obtained, while many of this class, thoroughly acclimated, will be found capable of running hoisting-engines, etc. To talk of Chinese, or coolie, labor is a waste of words. Aside from questions of public policy, the Chinaman would be almost as worthless as a Southern negro, on the banks of the Chagres. At least eighty per cent. of all the ordinary labor on the Canal should be Latin-American peons, and at least the same proportion of the superintendents, etc., should be Americans and Germans. In the category of the Latin-Americans, I would place the Filipinos, who are descendants also of the Spaniards and Indians, and likewise accustomed to tropical jungles. Foremen should be selected, if possible, who are familiar with the habits and characteristics of these people. If handled properly, kindly but firmly, justly and without fear, with due regard to their peculiarities of disposition and temperament, these men will make the very best labor it is possible to obtain on the Canal. They should be made to board themselves, houses should be rented to them at a very low price, and medical attendance provided them free, or at a nominal charge. Gambling and the carrying of weapons should be prohibited, and the use of intoxicating liquors strictly regulated.

VII.

The thing for our Government to do, at the very outset of this great work, is to guard against red tape, and the next thing is to

prevent unnecessary waste of money and effort on things which are not essential to the main undertaking. The French spent vast sums in banquets, in buying needless machinery, in making lateral ditches, in drawings, and in numberless other ways. Never employing more than 30,000 workmen, they had an army of 3,000 or 4,000 clerks and office men. The chief function of most of these worthies appeared to be to wear silk hats, drink champagne, and draw big salaries. The plans alone of the Canal, made by the French, would fill a large room, and cost several millions of dollars. Why they should want the hundredth part of those plans, no practical contractor can imagine. A profile of the Canal itself ought to be almost as simple as that of a railway of the same length; while, according to my views, no plans at all are needed of the auxiliary works, for the simple reason that the works themselves are unnecessary. It is to be feared that the American engineers will follow in the footsteps of the French, in the production of vast numbers of elaborately detailed but unnecessary drawings. There has been so much time and money spent in this sort of work that I am almost tempted to say that we should go ahead and dig the Canal first, and make the drawings of it afterwards. A man who knows anything of construction work becomes disgusted at the evidences of French mismanagement visible everywhere along the line of the Canal, and impatient of anything which savors of delay. Millions of dollars' worth of machinery are scattered for fifty miles in utter ruin. Everywhere there is proof that the French spent money on every imaginable side issue, and on every scheme conceivable except the main work. It is evident that there is only one way to finish the Canal, and that is to dig dirt, but the French seem to have tried every other method. Shall we follow in their footsteps? Shall we waste millions on collateral issues, such as dams, reservoirs, locks, aqueducts, etc., instead of digging dirt as we ought to do? Shall we fuss along with this work for the next quarter of a century with a handful of Southern negroes? I believe that from 100,000 to 150,000 men can be advantageously employed on this Canal, and that it ought to be finished before the end of the next Presidential Administration.

The construction of the Canal should be regarded in precisely the same manner as the prosecution of a war. The sooner it is finished the better. It would be wiser to spend \$200,000,000 or

even \$300,000,000 and get the Canal completed in three or four years, than to have it drag along for twenty or thirty years at any price. The contractors doing the work should be paid good prices, and the most untiring activity should be demanded of them. In a battle, no general requires his officers to make detailed reports of the number of ounces of powder consumed, or calls them to account for having fired more shots than were probably necessary. On the contrary, his chief concern is that the enemy shall be defeated and at once. Having due regard to correct business principles and honest administration, the United States should avoid picayunish methods in connection with this great work. The proper policy is to pay good prices to the contractors, treat them liberally, and insist upon the best and promptest service possible. Contractors should be required to pay good wages to their men, and treat them fairly and liberally, giving employment to every man who can be advantageously used. Niggardliness should be avoided on the one hand, and the extravagance of the French on the other.

The United States ought to be advertising to receive bids at the present moment on all sections of the Culebra Cut. That work is perfectly simple, and any engineer ought in a month's time to draw specifications for it. Contractors should have sixty days in which to submit bids, and in ninety days after the award of the contracts, they should commence work. Within four years after work is commenced, the biggest steamship in the world ought to be able to pass from one end to the other without interruption. With from sixty to a hundred contractors, each working in three shifts daily, and employing from 1,000 to 2,000 men, with adequate machinery, there is no reason why this work should drag along for any great length of time. But if our engineers spend another year or two getting up plans, and the Government does the work with 8,000 or 10,000 Southern negroes, supplying them with "good food" and "clothing," our great-grandchildren will probably not see the work finished, nor will their great-grandchildren see the end of the payments on account of the expense which it will involve.

GEORGE W. CRICHFIELD.

THE ARMENIAN CHURCH IN ITS RELATION TO THE RUSSIAN GOVERNMENT.

BY SAMUEL GRAHAM WILSON.

A CRISIS has arisen in the history of the Gregorian-Armenian Church. This crisis pertains to the whole Armenian Church, but has special relation to the million and a half Armenians who inhabit Transcaucasia. Etchmiadzin, the primitive seat of Gregory the Illuminator, and the six dioceses into which the Armenian Church is divided, have during the past year been the scene of agitations and protests, of demonstrations, popular and clerical, and of incipient rebellion against the Czar and his administration. The Armenians of Transcaucasia are stirred to their hearts' depths, and moved to action as even the massacres in Turkey did not move them.

What has precipitated this crisis? What has occasioned such a sudden and unexpected ecclesiastical and national ferment? I shall answer these questions, not as an advocate of either side, but letting the facts speak for themselves.

I. The immediate cause of this ferment is an ukase of the Czar regarding the properties of the Gregorian-Armenian Church and its endowment. This edict was issued on June 12th, 1903, in accordance with a decision of the Administrative Council, acting on the advice of Prince Galitzin, the Governor-General of the Transcaucasus. It decrees that the Russian Government shall take immediate possession of all the properties and funds pertaining to the Armenian churches, monasteries, religious institutions, church-schools, and seminaries — namely lands, cultivated or uncultivated, of whatever name or kind, forests, fields, fisheries, mills and shops, and cash funds. These shall be taken from the control of the Armenian clergy and institutions. Endowments and funds at interest shall be delivered to the Minister

of the Interior, while properties shall be given over to the administration of the Minister of Agriculture and Government Properties. The decree applies also to all properties and funds that may in future be donated or bequeathed to the Church or its Institutions. It does not apply to properties in St. Petersburg and Moscow, nor to land actually occupied by churches, monasteries, parsonages, and parish schools, or in use for cemeteries and gardens surrounding them which are not a source of income. It professes to preserve the right of ownership to the Gregorian Church, but declares that the present administration is contrary to the interests of the Government and even of the Armenians themselves. It assures them that the income and interest shall be paid to the Church institutions, priests and parishes, after deducting the cost of administration, taxes and repairs, and five per cent. to be used for a capital for the benefit of the Church. Any questions or doubts about the interpretation of this ukase shall be decided by the Minister of the Interior, and not referred to the courts for decision.

These Church properties consist of such remnants of donations and bequests from the faithful during sixteen centuries of the Church's history as have escaped the hands of the spoilers. Some villages, mills, and water-rights belong to the monasteries, and the villages have in the past paid their rents to the Church. These lands are, however, small in amount and do not in themselves create any question. Of late years, considerable endowments have been given for the schools and seminaries. The amount involved is not more than \$75,000,000. The grief and indignation of the Armenians arise not so much from the loss of the property, though they regard that as virtually confiscated. Their sorrow proceeds from the fact that they see in the decree a forceful measure against the independence of their national Church, whereby their clergy, from the village priest to the Catholicos, with their monasteries and seminaries, are bound to and made dependent on the Russian Administration, and the whole Church prepared to be more easily constrained to enter the fold of Orthodoxy. They see in it a further advance toward crushing out their national life and amalgamating them with the Russian race.

II. Let us briefly indicate the conflicting desires and aims of the Russian Government and the Armenians.

After the Russo-Persian war of 1828, the Armenians of Transcaucasia, with Etchmiadzin, their ecclesiastical centre, and their Catholicos, passed under the rule of Russia. Then Czar Nicholas I. gave a constitution to the Armenian Church, called Polojenya. In it Russia assumed the right to direct the internal affairs of the Church. It appointed a Russian procurator to reside at Etchmiadzin, to supervise all proceedings of the Synod, and especially to control the election of the Catholicos. The power of the latter was gradually restricted. Continual friction between the Church and the Government caused increasing irritation and distrust.

The Czar's Government has a definite and decided purpose. It aims to amalgamate the Armenians with the Slavic element, first by extending the Russian language among them, and secondly by bringing them into the Orthodox fold. When schools were authorized among them, it was stipulated that the Russian language should be taught. Undoubtedly, a knowledge of Russian is advantageous to the Armenians, yet after seventy-five years, it is estimated that only three or four per cent. of them read or speak Russian. Bringing the Armenians to accept the Græco-Russian faith was regarded as hopeful, because the Georgians had been so easily converted. There was organized in the Caucasus a "Society for the Propagation of Orthodoxy," which receives funds from the Government, but its conciliatory advances have not met with any marked success. Russian efforts have rather been of a repressive nature. They have striven to strangle Armenian national aspirations and check their national development. Regarding the Church as the head and centre of the race, they have sought to curtail its privileges, abridge its ancient prerogatives, and bring it into submission, with the hope of ultimate organic union.

On the other hand, the Armenians were alert and active, not only to resist these endeavors, but to work out an ideal of a greater future for themselves. The national spirit manifested itself in the founding of schools, libraries, theatres, newspapers, and philanthropic and publication societies. These in turn have helped to develop the national spirit. The watchword of the movement has been, "Our Race." It has developed a patriotism which is intense, fervid, overpowering. It has aimed at the preservation of their language and the development of a new national literature, and at keeping the race free from admixture with Georgians and Russians. Many families who had forgotten

their mother-tongue and who used Turkish, Persian, Kurdish or Georgian have learned to speak and write the modern Armenian. The new spirit says, "Let that woman be considered a traitor who talks any other language than the Armenian to her children." It has created for itself and fans its fires with national songs, embodying the ardent longings of the race and hatred of its enemies. It has voiced itself in romances, newspapers, and in every assembly of the people where the police permit. It has revived the study of national history, dwelling on the days of glory of the ancient kings, setting apart days, such as the birthday of Vartan, to commemorate their deeds and to exhort to emulation of their heroism. It has called the drama to its aid, and presented these heroes moving on the stage before an applauding people. It has sent its youths to Switzerland and Germany, to return imbued with ideas of liberty and progress, ready to instruct the rising generation. It has formed secret societies to cultivate patriotism, and to plan for future action—revolutionary, if need be. It aimed at nothing less than political independence—a reuniting of the Armenian provinces, now under Turkey and Russia, and the establishment of an autonomous Armenia similar to Bulgaria.

When the Armenians were massacred in Turkey, patriotism in the Caucasus reached a white heat. It broke through even its former partial restraint. Then the Russian Government assumed a sterner attitude toward all Armenian agitation. It prevented Armenians from expressing their sympathy with their brethren in Turkey or helping them financially in their distress. Even the reception of the 50,000 refugees was qualified with such conditions that they petitioned to be returned to Turkey. After the massacres, Russia began a series of repressive measures against her own Armenian subjects. These have followed each other in quick succession and with increasing severity.

III. Let us review the measures* whereby the Russian Government is restraining Armenian development.

First, the school question should receive attention. By the decree of 1836, the right to establish schools was granted to the Armenians. These schools were to be under the superintendence of the Bishops and the Synod of Etchmiadzin, whose actions and

* These are described in detail by an anonymous St. Petersburg correspondent of a Geneva Armenian journal in letters which have been published in Armenian, under the title "Caucasian Verker," or "Caucasian Wounds," to which volume I am indebted.

rules must be submitted to the Minister of the Interior. Under this authorization, a system of schools gradually grew up in Transcaucasia. About 1870, the desire for education greatly increased. Strenuous exertions were made to bring culture and enlightenment to the people. In 1882 an Armenian Educational Convention was held in Tiflis with great enthusiasm. It showed that considerable progress had been made. Five hundred parish schools were in operation with 900 teachers and 30,000 pupils. Most of these were elementary schools, with the addition of several classes of a Secondary or High School grade. These schools were supported partly by Church endowments, partly by tuitions, but largely by the donations and endowments of wealthy Armenians. It became quite a custom for Armenians to bequeath a portion of their property to the schools. Some schools have also a theatre attached, whose income helps to support the school.

In addition to the parish schools, seminaries were founded for the training of priests, "to prepare spiritual pastors for Russia and especially to foreign countries," *i. e.*, Armenians in Turkey and Persia. General Paschievitch and Baron Rosen favored these foundations. One was planned for each of the six dioceses. The Nersesian Seminary was founded at Tiflis in 1824, one at Erivan in 1837, and others at Shusha and Etchmiadzin, but permission was refused for the establishment of one at Baku. The Nersesian Seminary is poorly housed, and repeated applications for a building-permit have been refused. The seminary at Etchmiadzin is the only one that has specially tried to fulfil its theological object. It has substantial buildings and is in the midst of classic surroundings. The ancient churches and monasteries recall the history and exemplify the architecture of the best periods of the race. The old refectory of the monks, with its stone tables, furnishes a striking contrast to the printing establishment with its modern presses. An artificial lake and fine old trees add beauty to the campus, especially when viewed in connection with the high walls and castle-like gates of the inclosures.

Languages, mathematics, literature, philosophy and theology are taught, but physical sciences are prohibited. Much of the instruction is elementary.

Both the parish schools and the seminaries have a strong nationalistic spirit, inculcating a love for Armenia, its history and its Church and political aspirations and hopes clearly incon-

sistent with Russia's plans. It need create no surprise that Russia put her iron heel upon them. The first severe stroke fell in 1884. A decree provided that the Russian language should be the medium of instruction in the schools. Armenian language and religion could be taught as subsidiary studies. No classes above a common-school grade could be continued. The teachers must obtain certificates from the Russian Government by passing an examination through the medium of Russian. The supreme control of all the schools must be under the Minister of Education. Lynch says of this ukase, "It may be branded as an infamous document." But the Russians would reply that they had established schools which were neglected. For instance, at Alexandropol the Russian schools had 140 pupils and the Armenian schools 1200. There were but 159 Armenian pupils in the Russian Gymnasium at Erivan, supported at a cost of \$35,000 annually, while the Armenian seminary had 360 pupils. In the Armenian schools Russian was slighted. The Russians regarded the teaching in the Armenian schools as "separatist," not to say treasonable.

The Synod of Etchmiadzin refused its consent to this decree, pleading that the question should be postponed until a New Catholicos was chosen. The Government took summary action. The police dismissed the pupils and closed the buildings. When Margar was chosen Catholicos,—a creature of the Russian Administration,—the favor of a respite was granted him. The strict enforcement of the ukase was put off for six years. Until that time, the requirement of a good knowledge of Russian on the part of the teachers was suspended. But the higher grades remained closed, and the schools continued under police supervision. The result was a great diminution in the number of schools and in the attendance, so that in 1889 there remained 123 schools, with 482 teachers and 11,000 pupils. Subsequently, others were reopened.

Before the expiration of the term of grace, Catholicos Margar died and Kremian Haireg succeeded in 1893. Then Prince Galitzin and Yanuski, the Director of Schools, showed no mercy. Three hundred and twenty schools were again closed, only thirty remaining open. The Russian Government said it was convinced that the schools were "nests of nationalistic propaganda." The Armenians raised a bitter wail, appealing to the public opinion of Europe, especially of England. But this only resulted in

greater restrictions. It was determined to enforce the decree strictly. The parish schools should only be allowed under Government management. Russian must be the language of the school; teachers must have the Russian certificate; graduates of the seminaries could not be teachers in the parish schools. They were also deprived of the privilege of other high school graduates of serving for two years in the army, instead of five.

In order to obtain complete control of the schools, and at the same time relieve the Government of as much as possible of expense connected with them, a decree was issued taking over all the school properties and endowments. This was accomplished without serious opposition. But in their zeal, the Government officers seized much property that pertained to the Church exclusively. The clergy brought suit to recover these properties. These suits continued in court for some time. Meanwhile, most of the parish schools failed to comply with the conditions and were permanently closed. Those which were opened were so changed in character as to be no longer Armenian schools.

Secondly, let us notice the suspension of the various societies. In 1894, there were in Baku "The Armenian Philanthropic Society," founded in 1863, and in Tiflis "The Armenian Publication Society," "The Armenian Women's Benevolent Society," and "The Armenian Benevolent Society of the Caucasus," the last named having eighteen branches in such cities as Erivan, Batum, Alexandropol, Shusha, Nakhejevan, etc. All of these had been founded by Government permission. Their object was to aid the poor, to open schools and libraries, to furnish scholarships and publish books for the Armenians.

In 1898, Prince Galitzin made an adverse report on these societies to the Czar, in which he said: "The philanthropic societies give more attention to politics than to philanthropy. They have branches in almost all the cities of the Caucasus. Pupils who are aided are most frequently sent to foreign countries for education—a proceeding contrary to the ruling principles of the Russian Government. . . . These societies are not worthy of confidence and I propose to the Czar that they be closed." The order was given (1889) for their closing, excepting the Publication Society. Afterwards permission was given to open two philanthropic societies in Tiflis and one in Baku, but the branches remained closed. These newly authorized societies were forbidden

to open schools or libraries, or to assist pupils or authors. They could continue to feed the poor.

Not only were the societies prohibited from establishing libraries, but for an individual or committee to establish one under Armenian control is beset with so many difficulties, restrictions and inspections, and requires so many petitions, that many considerable places in the Caucasus remain without circulating libraries. Permission was refused for libraries in Erivan and Alexandropol and in many other places. Public libraries were closed in Shusha, Nakhejevan, Okhalskha and other cities.

In former days permission was given for the publication of Armenian newspapers. As early as 1896, the question was raised as to the necessity of Armenian or Georgian newspapers. It was decided that it would be better if they were all in the Russian language, and that no new Armenian papers should be established. There remained two dailies and four monthlies. Of the latter, one, "The Ararat," is theological, one is a fashion paper and one is for children. During this year the two dailies and "The Ararat" are under suspension.

Finally, in 1900, the Publication Society was closed. Its founding had been approved by Grand-Duke Michael. In twenty-one years it had published only 187 books, many of them small; all of them had passed inspection by the censor, and many of them were translations of works already in Russian. But further development of the Armenian language is not approved; therefore, this society must close. Other books, too, like the novels of the celebrated Raffee, were turned down by the censor when permission for a new edition was desired. School books in Ararat-Armenian are being printed to a very limited extent, as there is little further demand for them. It is forbidden to take the oath in the Armenian language in the Courts. Will Russia be able to kill their language which has revived and shown such fine development within the last half-century?

While these measures were being formulated and carried out, the Courts were hearing the appeals of the Armenian clergy against the seizing of the Church properties under the order for taking over the school properties. In May, 1902, a decision was rendered sustaining the appeals, and ordering the properties and endowments to be returned to the Church. This was cause of rejoicing among the Armenians.

Their rejoicing was of short duration, for even then a decree was preparing, which would overwhelm them. Prince Galitzin had been advocating for some time the seizing of the Armenian Church properties. A Ministerial document has been published which narrates that, "in 1898, Prince Galitzin raised the question of taking possession of the properties and capital of the Church. This was opposed by the Ministers of Finance and Agriculture as likely to lead to disturbances, but Prince Galitzin was delegated to find a way to curb the special political activities of the Armenian clergy." Prince Galitzin in 1902 renewed his previous recommendation. He was seconded by Pobiedonostseff, the Procurator of the Holy Synod. The Czar's cabinet is said to have disapproved the scheme again, but the Czar was not willing to refuse Prince Galitzin and gave his consent. Hence was issued the ukase of June 12th, (O. S.), 1903, whereby the Government decreed to take over the control of the properties and endowments of the Armenian Church, as has been described.

This ukase had a deep and rousing effect on the Armenian people. The National Church is the darling of the Armenian heart, not simply,—perhaps not chiefly—for the sake of religion, but as the centre of the race, the sole relic of former national greatness; and the people, whether believers or sceptics, secularists or libertines, cling to it with ardent love. The apple of their eye was touched with a hot iron, and they cried out with a great and bitter cry. The common people were moved from inaction as no question of schools or societies could move them. Men of age and culture, too, spoke of it with trembling voices and tears—men who never take the communion from a priest, but who feel that the Holy of Holies of the nation's life is being violated. A universal protest arose from all sides. Cities and villages began to pour in delegations to Etchmiadzin to demand of the Catholicos and Synod that they refuse their consent to the decree. From far and near the voice of opposition was heard. The Patriarch of Constantinople telegraphed his protest in the name of the three millions of Armenians living in Turkey. The Bishops of Persia added their emphatic "No." In far-off America, Bishop Sarajian headed a delegation from New England to Washington to make their appeal to the Russian Ambassador and to the President. In the name of the Lord and Saviour to whom the churches had been dedicated; in the name of their martyr-ancestors who had left

them this inheritance sealed in blood, and who had endowed the churches and monasteries; in the name of living donors, who reside outside of the Russian Empire, but look to Etchmiadzin as their sanctuary; in the name of Czar Nicholas I., whose decree* had established the right of the Gregorian Church to ownership of its property and of the Synod to control of the same; by the right of possession and administration through more than a millennium, —a possession which even Mongol and Seljuk, Persian and Turk had not refused to respect; by natural right and by civil right, they protested against the seizure as a usurpation.

True, the official bulletin has declared that the Government intends to take better care of the churches and priests and to secure them a more certain and larger income, that the rights of the Church over its special possessions will be preserved, that after the churches and schools are cared for, the remainder will constitute a capital fund for the benefit of the Church to secure its regular and future development, and that the parishes will be aided and the properties secured from embezzlement. But the Armenians believe these to be idle words, diplomatic phrases. They feel quite capable of administering and preserving their own estates. They wish to control their own churches. Petitions begging for the Czar's mercy and a revocation of the edict poured into St. Petersburg from Catholicos and Patriarch, from Bishops in Russia and abroad, from communities far and near. During the interval granted by the Government for the Church authorities to signify their consent, the Catholicos retired to Sivan Monastery. On July 28th, he was returning by Alexandropol, and spent the night at the Bishop's house. In the morning the bells were tolled. All the Armenians closed their shops and assembled around his lodging. First a band of girls, next of young men, presented petitions to the Catholicos. He ejaculated, "Pray about it," "Be patient." They replied that the time for prayer was past, the time for action had come. Later, the Catholicos entered a carriage to go to the railway depot. Suddenly a mob of 10,000 men, women and children, weeping, surrounded him, and demanded a definite promise from him to refuse consent to the Czar's edict. The Mayor of the city came and seated himself in the carriage, as if to protect the Catholicos. The crowd threw the Mayor out into the street and bore the carriage, with

* Polojenya of 1836, Articles 8, 67, 90, 117, 121.

the Catholicos, on their shoulders, to the station, mingling their cheers with curses. At the station, some broke the windows of the cars, others dishonored the Bishops by pulling their beards.

On Sunday, August 3rd (O. S.), after the Bishop of Erivan had finished mass, a crowd of some thousands seized him, forced him into a carriage and directed their course toward Etchmiadzin, fourteen miles distant. *En route*, they encountered and beat the Chief of Police. The Governor escaped from their hands by flight. A company of 250 Cossacks met them but did not offer effective resistance. At Etchmiadzin, Cossacks guarded the Palace Gate. The people entered through the Seminary Gate, which the students opened for them. Their mission was successful, and they received from the Catholicos a solemn promise that he would not yield to the Czar's demands. Encouraged by his people, he gave a decretal to this effect to the Synod, which, contrary to the protests of the Russian Procurator, Gencheli, took the same determined stand. When officers came to take over the properties they refused them admittance. On August 6th a telegram came from Minister Plehve urging immediate obedience and saying, "Every day of disobedience to the will of the King will bring heavy consequences." The Catholicos replied, pleading that the Emperor grant delay and an opportunity to explain. The Minister telegraphed, "The Emperor refuses your request for delay," and warned him of the consequences. On August 24th, came the festival of the blessing of the Meron—the holy oil which is made of flowers and is supposed to boil of itself. The blessing of it is usually the occasion of a great concourse of people. The ceremony was placed at an early hour to avoid disturbance, but 3,000 people quickly assembled. Some 400 women with shouts and songs presented themselves before the Catholicos, protesting that the Church property should not be surrendered. The Catholicos and the women wept together, and he assured them that he would never voluntarily surrender the properties.

On September 5th, the official delegation, consisting of the Vice-Governor, the Procurator and others, came and demanded the delivery of the properties. The Catholicos refused, saying somewhat as follows: "I have sworn to the Czar of Russia to be faithful to him, and I am ready at any moment to fulfil his commands. If necessary, I am ready to take the cross in my hand and lead my people against the Czar's enemies, to prove with our

blood that we are his humble subjects. But, at the same time, I gave oath to my own race—the four million Armenians,—to be faithful to it, and to uphold its ancient rights. The Armenian race with a million signatures has appealed to me to mediate and procure the Czar's mercy. I have appealed and await his favor." The delegation insisted that they must carry out the Czar's command, and that the Catholicos should sign the transfer. He replied: "I have a life, take that if you will. The rest is my people's. I can give away nothing of it. I cannot sign the papers." They demanded the keys of the treasury and, being refused, they sealed it. During this interview, the whole town was in mourning. Stores, shops and even the houses were closed. Not an Armenian appeared in the streets. A regiment of soldiers, 200 Cossacks and a battery of 80 guns, with many policemen were in readiness. Soldiers surrounded the monastery.

Some days afterward, the Governor of Erivan arrived with soldiers and police, with carpenters and blacksmiths. They broke open the iron doors of the treasury. Safes and boxes were rifled, 850,000 rubles and even a collection of ancient coins were carried off. All the monks remained in their rooms. A list was made of the properties and endowments, and they were formally declared to be transferred to the control of the Government.

In other places the transfer was also carried out by force. In Elizabetpol, on August 29th (O. S.), the whole Armenian population, to the number of 10,000, gathered at the upper church and marched to the lower one, where the Vartabed, Beneg, lived, to urge him to refuse consent. *En route*, the police met them and urged them to disperse. They answered with stones and went on. As the Vartabed did not at first appear, they shouted and threw stones at his windows. Finally, he appeared and said that nothing would be delivered up willingly. The Vice-Governor now brought up the soldiers and thrice commanded the crowd to disperse. A youth came out of the crowd and insulted him, saying, "We don't want to change our religion as you have done." The Vice-Governor is a Jewish convert to Orthodoxy. He instantly shot the young man dead, and commanded the troops to fire. Thirty Armenians were killed and fifty wounded besides some Russians. In Tiflis the streets were full of soldiers. Several Armenians were killed. The properties of the churches and of the Nersesian school were listed in the absence of the Principal and trustees. In

Baku, word spread that the Government would take the churches on September 2nd. Early in the morning, a crowd came from Balakhana, a neighboring oil town. Many of them were armed. They filled the churches and streets. Police and Cossacks demanded their dispersion. They replied to the fire of the soldiery with stones and revolvers. The people from within the church and the soldiers without continued to exchange shots for some hours. Some Russians and eleven Armenians were killed and forty-five wounded. By midnight their ammunition was exhausted. Many fled and one hundred were imprisoned. For some days, the soldiers encamped around the church. For some time Armenians in Baku dressed in mourning.

In Mudara, near Soukim, the doors of the church were broken down with axes and the property listed. In the country districts, almost without exception, there were refusals and popular demonstrations. In many places, masses for the dead were said. Orators, sometimes women, harangued the crowds. The police made many arrests.

After the Government had taken formal possession of the properties and funds of the Church and the Armenians had made this series of vigorous but ineffectual protests and demonstrations, there followed a period of comparative quiet. The Government maintains an unbending attitude, and continues to make many arrests. The prisons are full, and additional houses are being turned into prisons. Some ecclesiastics were punished with banishment, including at least one Bishop, and also two priests of Etchmiadzin.

The Armenians have taken up the weapon of assassination, or rather a class of terrorists, who are among them, have adopted this weapon. It is used in the first place against so-called traitors. In Etchmiadzin, an Armenian who signed consent to the Government edict was killed in the street. In Gorkh, Priest Khachadur, who opposed the protest and tore up the paper of the protesters, was found dead in his bed. In Tiflis, an attempt was made to kill Priest Alexan, who sided with the Russians. In Kars, a Greek priest, Vasiloff,—who converted several Armenian villages to the Russian Church—tauntingly exclaimed: "May I live to present the sacrifice of the Mass, according to the Greek rite, in the Armenian Church of the Holy Mother of God." He was shot dead in the street.

But most serious of all was the attempt made on Prince Galitzin. As he was driving through the streets of Tiflis, he was attacked by three Armenians, who made desperate efforts to murder him. His assailants were killed on the spot, but the Governor-General escaped with slight wounds. He is regarded with deadly hatred by the Armenians, as the author of this series of measures to oppress them. The Armenians have robbed several Russian churches in Tiflis, and one of them who made no effort to escape answered at his trial: "I only did at night what some officers are doing by daylight." As a means of securing the apparent consent of the people to the transfer of the properties, every member of a guild, shopkeeper or merchant who renewed his license at the New Year was presented with the alternative of signing his consent or having his business closed. To restrict agitation an order was given in June, 1904, that no Armenians from Persia or Turkey should be allowed to enter the Caucasus. Their passports were refused visé.

The Government is said to be preparing a new Polojenya or Constitution for the Armenian Church. It has not yet been published. Rumor says that the office of Catholicos will be abolished, that in lieu of one, the Czar will appoint a Metropolitan who shall reside in St. Petersburg, to which place the Synod of the Armenian Church shall be transferred, and the ancient seat of St. Gregory will remain a common monastery; that the Meron or sacred oil will hereafter be made on the banks of the Neva, not at Etchmiadzin; that the Armenian Church will be brought into a condition of complete subordination, that no ordination of deacon, priest or bishop will be allowed except by authorization of the Czar, which will be withheld until the Church makes submission.

The Catholicos and the institutions at Etchmiadzin have begun to be pressed for funds since the revenues have been cut off and the endowments seized. Hence the Czar has sent a donation of 70,000 rubles to the Catholicos. The latter, fearing Greeks even when bearing gifts, has declined to receive it, and replied that his own people are able and willing to support him.

S. G. WILSON.

HENRY JAMES: AN APPRECIATION.

BY JOSEPH CONRAD.

THE critical faculty hesitates before the magnitude of Mr. Henry James's work. His books stand on my shelves in a place whose accessibility proclaims the habit of frequent communion. But not all his books. There is no collected edition to date, such as some of "our masters" have been provided with; no neat row of volumes in buckram or half-calf putting forth a hasty claim to completeness, and conveying to my mind a hint of finality, of a surrender to fate of that field in which all these victories have been won. Nothing of the sort has been done for Mr. Henry James's victories in England.

In a world such as ours, so painful with all sorts of wonders, one would not exhaust oneself in barren marvelling over mere bindings, had not the fact, or rather the absence of the material fact, prominent in the case of other men whose writing counts (for good or evil)—had it not been, I say, expressive of a direct truth spiritual and intellectual; an accident of—I suppose—publishing business acquiring a symbolic meaning from its negative nature. Because, emphatically, in the body of Mr. Henry James's work there is no suggestion of finality, nowhere a hint of surrender, or even of mere probability of surrender, to his own victorious achievement in that field where he is master. Happily, he will never be able to claim completeness; and, were he to confess to it in a moment of self-ignorance, he would not be believed by the very minds for whom such a confession naturally would be meant. It is impossible to think of Mr. Henry James becoming "complete" otherwise than by the brutality of our common fate whose finality is meaningless—in the sense of its logic being of a material order, the logic of a falling stone.

I do not know into what brand of ink Mr. Henry James dips

his pen; indeed, I heard that of late he has been dictating; but I know that his mind is steeped in the waters flowing from the fountain of intellectual youth. The thing—a privilege—a miracle—what you will—is not quite hidden from the meanest of us who run as we read. To those who have the grace to stay their feet it is manifest. After some twenty years of attentive acquaintance with Mr. Henry James's work, it grows into absolute conviction, which, all personal feeling apart, brings a sense of happiness into one's artistic existence. If gratitude, as some one defined it, is a lively sense of favors to come, it becomes very easy to be grateful to the author of "*The Ambassadors*"—to name the latest of his works. The favors are sure to come; the spring of *that* benevolence will never dry up. The stream of inspiration runs brimful in a predetermined direction, unaffected by the periods of drought, untroubled in its clearness by the storms of the land of letters, without languor or violence in its force, never running back upon itself, opening new visions at every turn of its course through that richly inhabited country its fertility has created for our delectation, for our judgment, for our exploring. It is, in fact, a magic spring.

With this phrase the metaphor of the perennial spring, of the extinguishable youth, of running water, as applied to Mr. Henry James's inspiration, may be dropped. In its volume and force the body of his work may be compared rather to a majestic river. All creative art is magic, is evocation of the unseen in forms persuasive, enlightening, familiar and surprising, for the edification of mankind, pinned down by the conditions of its existence to the earnest consideration of the most insignificant tides of reality.

Action in its essence, the creative art of a writer of fiction may be compared to rescue work carried out in darkness against cross gusts of wind swaying the action of a great multitude. It is rescue-work, this snatching of vanishing phases of turbulence, disguised in fair words, out of the native obscurity into a light where the struggling forms may be seen, seized upon, endowed with the only possible form of permanence in this world of relative values—the permanence of memory. And the multitude feels it obscurely too; since the demand of the individual to the artist is, in effect, the cry, "Take me out of myself"! meaning, really, out of my perishable activity into the light of imperishable consciousness. But everything is relative, and the light of conscious-

ness is only enduring, merely the most enduring of the things of this earth, imperishable only as against the short-lived work of our industrious hands.

When the last aqueduct shall have crumbled to pieces, the last air-ship fallen to the ground, the last blade of grass shall have died upon a dying earth, man, indomitable by his training in his resistance to misery and pain, shall set this undiminished light of his eyes against the feeble glow of the sun. The artistic faculty, of which each of us has a minute grain, may find its voice in some individual of that last group, gifted with a power of expression, and courageous enough to interpret the ultimate experience of mankind in terms of his temperament, in terms of art. I do not mean to say that he would attempt to beguile the last moments of humanity by an ingenious tale. It would be too much to expect—from humanity. I doubt the heroism of the hearers. As to the heroism of the artist, no doubt is necessary. There would be on his part no heroism. The artist in his calling of interpreter creates (the clearest form of demonstration) because he must. He is so much of a voice that for him silence is like death; and the postulate was that there is a group alive, clustered on his threshold to watch the last flicker of light on a black sky, to hear the last word uttered in the stilled workshop of the earth. It is safe to affirm that, if anybody, it will be the imaginative man who would be moved to speak on the eve of that day without to-morrow—whether in austere exhortation or in a phrase of sardonic comment, who can guess?

For my own part, from a short and cursory acquaintance with my kind, I am inclined to think that the last utterance will formulate, strange as it may appear, some to us now utterly inconceivable hope. For mankind is delightful in its pride, its assurance, and its indomitable tenacity. It will sleep on the battle-field among its own dead, in the manner of an army having won a barren victory. It will not know when it is beaten. And, perhaps, it is right in that quality. The victories are not, perhaps, so barren as it may appear from a purely strategical, utilitarian point of view. Mr. Henry James seems to hold that belief. Nobody has rendered better, perhaps, the tenacity of temper, or known how to drape the robe of spiritual honor about the drooping form of a victor in a barren strife. And the honor is always well won; for the struggles Mr. Henry James chronicles with such subtle

and direct insight are, though only personal contests, desperate in their silence, none the less heroic (in the modern sense) for the absence of shouted watchwords, clash of arms and sound of trumpets. Those are adventures in which only choice souls are ever involved. And Mr. Henry James records them with a fearless and insistent fidelity to the *péripéties* of the contest, and the feelings of the combatants.

The fiercest excitements of a romance "*de cape et d'épée*," the romance of yard-arm and boarding-pike so dear to youth, whose knowledge of action (as of other things) is imperfect and limited, are matched, for the quickening of our maturer years, by the tasks set, by the difficulties presented, to Mr. Henry James's men's and women's sense of truth, of necessity—before all, of conduct. His mankind is delightful. It is delightful in its tenacity; it refuses to own itself beaten; it will sleep on the battle-field. These warlike images come by themselves under the pen; since, from the duality of man's nature and the competition of individuals, the life-history of the earth must in the last instance be a history of a really very relentless warfare. Neither his fellows, nor his gods, nor his passions will leave a man alone. In virtue of these allies and enemies, he holds his precarious dominion, he possesses his fleeting significance; and it is this relation, in all its manifestations, great and little, superficial or profound, and this relation alone, that is commented upon, interpreted, demonstrated by the art of the novelist in the only possible way in which the task can be performed: by the independent creation of circumstance and character, achieved against all the difficulties of expression, in an imaginative effort finding its inspiration from the reality of forms and sensations. That a sacrifice must be made, that something has to be given up, is the truth engraved in the innermost recesses of the fair temple built for our edification by the masters of fiction. There is no other secret behind the curtain. All adventure, all love, every success is resumed in the supreme energy of an act of renunciation. It is the uttermost limit of our power; it is the most potent and effective force at our disposal, on which rest the labors of a solitary man in his study, the rock on which have been built commonwealths whose might casts a dwarfing shadow upon two oceans. Like a natural force which is obscured as much as illustrated by the multiplicity of phenomena, the power of renunciation is obscured by the mass of weaknesses,

vacillations, secondary motives and false steps and compromises which make up the sum of our activity. But no man or woman worthy of the name can pretend to anything more, to anything greater. And Mr. Henry James's men and women are worthy of the name, within the limits his art, so clear, so sure of itself, has drawn round their activities. He would be the last to claim for them Titanic proportions. The earth itself has grown smaller in the course of ages. But in every sphere of human perplexities and emotions there are more greatnesses than one—not counting here the greatness of the artist himself. Wherever he stands, at the beginning or the end of things, a man has to sacrifice his gods to his passions or his passions to his gods. That is the problem, great enough, in all truth, if approached in the spirit of sincerity and knowledge.

In one of his critical studies, published some fifteen years ago, Mr. Henry James claims for the novelist the standing of the historian as the only adequate one, as for himself and before his audience. I think that the claim cannot be contested, and that the position is unassailable. Fiction is history, human history, or it is nothing. But it is also more than that; it stands on firmer ground, being based on the reality of forms and the observation of social phenomena, whereas history is based on documents and the reading of print and handwriting—on second-hand impression. Thus fiction is nearer truth. But let that pass. A historian may be an artist too, and a novelist is a historian, the preserver, the keeper, the expounder, of human experience. As is meet for a man of his descent and tradition, Mr. Henry James is the historian of fine consciences.

Of course, this is a general statement; but I don't think its truth will be or can be questioned. Its fault is that it leaves so much out; and, besides, Mr. Henry James is much too considerable to be put into the nutshell of a phrase. The fact remains that he has made his choice, and that his choice is justified up to the hilt by the success of his art. He has taken for himself the greater part. The range of a fine conscience covers more good and evil than the range of a conscience which may be called, roughly, not fine; a conscience less troubled by the nice discrimination of shades of conduct. A fine conscience is more concerned with essentials; its triumphs are more perfect, if less profitable in a wordly sense. There is, in short, more truth in its working

for a historian to detect and to show. It is a thing of infinite complication and suggestion. None of these escape the art of Mr. Henry James. He has mastered the country, his domain, not wild indeed, but full of romantic glimpses, of deep shadows and sunny places. There are no secrets left within his range. He has disclosed them as they should be disclosed—that is, beautifully. And, indeed, ugliness has but little place in this world of his creation. Yet it is always felt in the truthfulness of his art; it is there, it surrounds the scene, it presses close upon it. It is made visible, tangible, in the struggles, in the contacts of the fine consciences, in their perplexities, in the sophism of their mistakes. For a fine conscience is naturally a virtuous one. What is natural about it is just its fineness, an abiding sense of the intangible, everpresent, right. It is most visible in their ultimate triumph, in their emergence from miracle, through an energetic act of renunciation. Energetic, not violent: the distinction is wide, enormous, like that between substance and shadow.

Through it all Mr. Henry James keeps a firm hold of the substance, of what is worth having, of what is worth holding. The contrary opinion has been, if not absolutely affirmed, then at least implied, with some frequency. To most of us, living willingly in a sort of intellectual moonlight, in the faintly reflected light of truth, the shadows so firmly renounced by Mr. Henry James's men and women stand out endowed with extraordinary value, with a value so extraordinary that their rejection offends, by its uncalled-for scrupulousness, those business-like instincts which a careful Providence has implanted in our breasts. And, apart from that just cause of discontent, it is obvious that a solution by rejection must always present a certain apparent lack of finality, especially startling when contrasted with the usual methods of solution by rewards and punishments, by crowned love, by fortune, by a broken leg or a sudden death. Why the reading public, which, as a body, has never laid upon a story-teller the command to be an artist, should demand from him this sham of Divine Omnipotence is utterly incomprehensible. But so it is; and these solutions are legitimate, inasmuch as they satisfy the desire for finality, for which our hearts yearn with a longing greater than the longing for the loaves and fishes of this earth. Perhaps the only true desire of mankind, coming thus to light in its hours of leisure, is to be set at rest. One is never set at rest by Mr. Henry James's novels.

His books end as an episode in life ends. You remain with the sense of the life still going on; and even the subtle presence of the dead is felt in that silence that comes upon the artist-creation when the last word has been read. It is eminently satisfying, but it is not final. Mr. Henry James, great artist and faithful historian, never attempts the impossible.

JOSEPH CONRAD.

SHALL THE FOURTEENTH AMENDMENT BE ENFORCED?

BY EDGAR GARDNER MURPHY.

I.

To the mind of the typical citizen of the North, the enforcement of the terms of the second section of the Fourteenth Amendment to the Constitution would represent only an obvious element in an American policy of fair-play.

Interpreting the popular understanding of its language, it is evident that the Amendment does not bestow upon the negro the right to vote. It does not prohibit the restriction of suffrage. It does not refer to the negro, as the negro, at all. It permits restriction. It assumes that the States of the Union may, at their pleasure, deny the suffrage to men, whether white or black, of any description or class. It provides, however, that, when suffrage is arbitrarily restricted, representation shall be restricted also. It declares that no number of the male population shall be "counted out" by the State in making up the body of its electorate and at the same time "counted in" by the State in securing its representation in Congress and in the Electoral College. The language of the Constitution is as follows:

"Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

The general intention of such a provision is obvious enough. The black man was but the immediate occasion of its passage. As first framed, and as first adopted in the House of Representatives, it had specific reference to his political status. Reduction of representation was to be the penalty for any suffrage restriction based upon color. But as the debate proceeded, all direct reference to color was omitted. Restriction itself, no matter what the race or class proscribed, was made the occasion of the penalty. The law might, as a matter of fact, chiefly affect the Southern States; but it was also intended to affect, in principle, every State in which there should be any denial of the ballot to any class or fraction of the voters. A State is therefore free under this Amendment to reserve the ballot to the few—finally to exclude any element of the voting population—but if it do so it must suffer, proportionately, a loss of congressional and political power.

Such an adjustment of the problem of suffrage involves, moreover, a compact—an equitable distribution of influence—between individuals as well as between States. If Ohio and Massachusetts exclude any specific class from the suffrage, and if the “penalty” of exclusion be accepted by the former and remitted to the latter, then every voter in Massachusetts has a larger representation in Congress, has a larger influence in the election of the President, than a like voter in Ohio. If a Northern State and a Southern State of the same population deny the suffrage to certain classes, and if the Northern State, because of that denial, loses a number of her congressmen and the Southern State loses none, then the Southern voter has a larger representation in Congress and in the Electoral College than the voter of the North. Both the cases cited are hypothetical. They are stated solely as illustrations. As a matter of fact, no attempt has ever been made, in North or South, or against any State or section of the country, to enforce the exact terms of the Amendment. The lifetime of a whole generation has passed since its adoption. Shall its terms be enforced to-day?

The argument in the affirmative may make effective appeal to certain apparent inequalities. Suffrage restriction seems to have eliminated more voters, proportionately, in Maine than in Pennsylvania, and therefore the relative power of Maine is perhaps unfairly great. Suffrage restriction has eliminated more

voters in the Southern States than in the Northern, and the relative congressional representation of the South is probably, therefore—under the popular conception of the Amendment—unduly large. Inasmuch as no rigorous application of its provisions has ever been seriously undertaken, it is altogether likely that its central intention is unfulfilled, and that there is not to-day an even and equitable distribution of political power between the States and between their citizens. Such conditions are distinctly in conflict with one of the cardinal assumptions of our government—the assumption that, so far as law can determine, one man's suffrage shall weigh as much and shall count as effectively as another's.

But there is a consideration more serious still. The argument in favor of enforcing the terms of the Amendment is in reality an argument not only for an equitable distribution of political power, but also for the vitality of the Constitution. A dead limb upon the tree of the Constitution is not good for the tree. If this section of the Amendment is sufficiently coherent to be enforceable, and if it is still so far valid as to be operative, its enforcement may be regarded both as a decree of equity between citizens and as a policy of rehabilitation to the law. Public policy demands the fulfilment of the letter of the Constitution, unless it can be clearly shown—under the canons of a public policy broader and truer still—that the life of the Constitution is necessarily freer and larger than its letter.

Clearly, however, such an argument must assume all the burden of debate. The mere suggestion of the contention that, at this or that point in the practical application of a constitutional instrument, the life may be found beyond the letter is to accept, in the discussion, the most serious of obligations. And yet it is perhaps the vague instinctive perception of this truth, upon the part of the masses of the American people, which has held the second section of this Amendment in abeyance for a generation. Its application and enforcement, particularly against the Southern States, has been often urged; but there has been no fulfilment of the policy. Great peoples are often more patient than their laws. Delays are accepted, not in contempt of their Constitutions, but in order that the normal conditions which Constitutions must assume, and for which Constitutions have been ordained, may attain their being and their efficacy. In opposing,

therefore, the enforcement of the popular conception of the Amendment, I would discuss the question chiefly in the light of the broader considerations of public policy. There are other arguments, however, which might find elaboration.

(1) For example, it has been contended that the mere enactment of the Fifteenth Amendment has abrogated the second section of the Fourteenth. Said James G. Blaine, surely no luke-warm interpreter of Republican policies:

"The adoption of the Fifteenth Amendment seriously modified the effect and potency of the second section of the Fourteenth. . . . The prime object [of the Fourteenth Amendment] was to correct the wrongs that might be enacted in the South, and the correction proposed was direct and unmistakable; viz., that the Nation would exclude the negro from the basis of apportionment wherever the State should exclude him from the right of suffrage.

"When, therefore, the nation by subsequent change in its Constitution declared that the State shall not exclude the negro from the right of suffrage, it neutralized and surrendered the contingent right, before held, to exclude him from the basis of apportionment. Congress is thus plainly deprived by the Fifteenth Amendment of certain powers over representation in the South, which it previously possessed under the provisions of the Fourteenth. Before the adoption of the Fifteenth Amendment, if a State should exclude the negro from suffrage, the next step would be for Congress to exclude the negro from the basis of apportionment. After the adoption of the Fifteenth Amendment, if a State should exclude the negro from suffrage, the next step would be for the Supreme Court to declare that the act was unconstitutional, and therefore null and void. The essential and inestimable value of the Fourteenth Amendment still remains in the three other sections, and preeminently in the first section."*

(2) At the South, however, the Fifteenth Amendment will long share much of the traditional odium which is instinctively associated with the Fourteenth. However sound the Amendments may be in principle, it is unfortunate that, as Constitutional enactments, their legality and their consequent authority should be open to question among the very people to be most affected by them. This suspicion may be partly due to that unforgetting bitterness which, among certain elements of the population, is the heritage of all wars. With others it is due to no bitterness of heart, but to the serious conviction that the organic law of the Republic should always be established through republican agencies and only under republican conditions. It is remembered

* James G. Blaine, "Twenty Years of Congress," vol. II., p. 418.

that the Fourteenth Amendment stands in the Constitution only because the votes of such States as Alabama and Georgia were counted in its support. No one now needs to be told that these votes were a military rather than a democratic result. Everybody knows the attitude of the people of Alabama and Georgia toward the adoption of the Amendment, and it is sufficiently obvious that the vote for the Amendment, in a land under military occupation and through a registration conducted by the army, represented pretty much everything except the verdict of republican conditions. The Amendment represented a serious attempt to establish more securely a republican form of government; but governments are not made truly republican by military power; and, when the guarantees of freedom are established under the conditions of coercion, coercion rather than freedom becomes the political precedent and the political heritage of the State.

It may be charged that the perversity of the South was the justification of the army; but, while an army may secure results and while these results may be intrinsically just, yet, in all that touches the organic law of a democracy, justice must wait upon freedom. An army may secure results, but an army cannot make them free. Constitutions, in a republic, cannot be amended by the military. Not that the South cares to reopen an old controversy or revive a perhaps profitless agitation for the repeal of the Amendments. The South does not assail their validity. It is inevitable, however, that the instinctive attitude of the South toward their provisions should be less sympathetic than the attitude of the South toward the provisions of the older Constitution. I have written this paragraph to explain and interpret a popular mood rather than to offer a personal or political criticism, inasmuch as the collective spirit, the social temper of a population, must always enter into any inclusive study of the real relations between the Constitution and the public mind.

(3) While those who framed the second section of the Fourteenth Amendment had, perhaps, a clear conception of its operation, it has been suggested more than once that this conception is not intelligibly expressed in the language of the passage in dispute. How are we to determine the number of males to whom suffrage has been denied? It may seem to be a simple matter to reduce the representation of a State to the extent

to which the State has reduced the number of its voters, but how is this latter number to be established? Not from mere "probabilities," for the method assumes to be mathematical. From election returns? That would be to assume that all the voters vote, and that all who possess the right of suffrage exercise that right. This we know to be untrue. So long as no election anywhere has ever polled a complete vote, so long as the size of the vote represents the measure of popular interest rather than the measure of popular rights, it is wholly unreasonable to assume that all the men who fail to vote are denied the right to vote. Indeed, where one party is in a marked ascendancy and where serious rivalry does not exist, the vote in the party primaries is often far in excess of the vote in the elections.* It is manifestly impossible, therefore, to assume that a mere falling off in the number of men who vote at any specific election is in itself a legal proof that suffrage has been limited or denied.

(4) It may be contended that the familiar limitations of suffrage are hardly to be regarded as denials of the right of suffrage—within the meaning of the Constitution. Such a contention may seem at variance with the familiar interpretation of the Amendment already stated. And yet the argument is of no small force. Every State demands a qualification of residence—the candidate for the ballot must have resided for a fixed period of time in the State, in the county, in the city, in the election-precinct. Does such a regulation of the suffrage constitute an abridgment of suffrage within the meaning of the Constitution? Clearly not. It constitutes no class distinction, no permanent denial or abridgment of right. The regulation is not insurmountable. The terms are terms which any man can obey, if he will. The test does not constitute political proscription. There is every difference between a denial of suffrage or an arbitrary abridgment of suffrage,—and a condition of suffrage. An arbitrary abridgment or a positive denial of suffrage may become the effective cause of such class distinctions as would make democracy impossible. A condition of suffrage may bar out from the exercise of the ballot large bodies of individuals; but the test is still individual in its operation. It touches and excludes men one by one. The individual may at any time meet the im-

* See an article by Mr. Francis G. Caffey on "Suffrage Limitations at the South" in the "Political Science Quarterly" for March, 1905.

posed conditions; may square his qualifications with the test exacted.* Such a condition or test does not in its essence touch or limit or deny the right to vote possessed by any man or any group of men; it operates through flexible conditions only to limit temporarily the exercise of that right. Practically, the results, for a time, may be the same; essentially and historically they may be very different. To tell a man he can never vote is one thing; to tell him that he is a citizen and that because he is a citizen he can vote when he has lived for a fixed period in the State, or when he has learned to read and write, or when he has met some other reasonable condition, is quite another thing. The one course is a counsel of despair; the other course, if fairly pursued, is a counsel of discipline. It is opportunity touched by incentive.

It is thus hardly credible that the framers of the Amendment could have regarded reasonable and flexible limitations upon the exercise of the suffrage as though they constituted a denial or an arbitrary abridgment of suffrage rights.

(5) It may be urged, however, and with considerable force, that, while temporary suffrage conditions are not essentially undemocratic and are not in themselves a denial of suffrage-rights, they may be so administered as to defeat all the conditions of flexibility, permitting—through arbitrary application of the State law—the exercise of the privilege of the ballot to many who cannot really meet the tests and practically forbidding the ballot to many who can. Here the law may be without discrimination, but the discrimination in its administration may result in the very inequalities the Constitution would prohibit.

* “To require the payment of a capitation tax is no denial of suffrage; it is demanding only the preliminary performance of public duty and may be classed, as may also presence at the polls, with registration, or the observance of any other preliminary to insure fairness and protect against fraud. Nor can it be said that to require ability to read is any denial of suffrage. To refuse to receive one’s vote because he was born in some particular country rather than elsewhere, or because of his color, or because of any natural quality or peculiarity which it would be impossible for him to overcome, is plainly a denial of suffrage. But ability to read is within the power of any man, it is not difficult to attain it, and it is no hardship to require it. On the contrary, the requirement only by indirection compels one to appropriate a personal benefit he might otherwise neglect. It denies to no man the suffrage, but the privilege is freely tendered to all, subject only to a condition that is beneficial in its performance and light in its burden. If a property qualification, or the payment of taxes upon property when one has none to be taxed, is made a condition to suffrage, there may be room for more question.”—COOLEY: “Principles of Constitutional Law,” Edition of 1898, p. 292.

So far as political injustice to the negro exists at the South, it exists at this point rather than at any other. Much has been said and written about the "grandfather clause" in the amended Constitutions of certain of our States. Under this clause no right of the qualified negro is denied. Under it the deficient white man is admitted. Inasmuch, however, as the white man who applies for registration under this clause makes implicit confession of his inability to register under other clauses, and inasmuch as the mere pleading of the right to vote on the sole ground of descent is an admission of illiteracy or penury, very few white men have ever been willing to claim the ballot under this exemption. No class of people anywhere will ever make much use of an exemption which is an advertisement of deficiency.

The "grandfather clause" has been, therefore, of little practical significance except as a subject of controversy. As, even in its indirect operation, it excluded no negro who could read and write, it worked injustice to no class of colored people entitled to any special political consideration. Educated, responsible, self-respecting negro men have, in certain cases, been unjustly excluded; but the "grandfather clause" has not been the instrument of discrimination. That instrument has been found in the discretionary powers lodged in the boards of registrars, by which worthy negro men, fairly meeting every test of suffrage, have been excluded from registration because they could not answer some mystifying question or satisfy some arbitrary and super-subtle exaction of the law (?). It is idle for writers at the South to deny that such cases exist. It is equally idle for writers at the North to assume that the whole South is responsible for them, or to forget that tens of thousands of negro men have already been fairly registered at the South under our amended Constitutions.*

Does the Fourteenth Amendment, however, offer a remedy for such injustice as exists? If injustice exist anywhere, it is well that a remedy should be found. It is not to the advantage of the State that the sense of political injury should operate within any of its social forces. If the strong and the weak must live side by side, the strong have already the abundant resources

* For a fuller discussion of the educational, industrial and political issues in the Southern States, see "Problems of the Present South," by Edgar Gardner Murphy: The Macmillan Co., New York and London, 1904.

of inherited and tested power. If legitimate strength be not sufficient, if strength must be supplemented by those forces of violence and fraud which always pervert character and which so often vulgarize the civic fibre of superior peoples, then strength is sacrificed by the very process of its reinforcement, and out of the very methods of our racial supremacy there must arise the wasting debilities of our political system. No man has a right to boast of our democratic institutions if he must claim the right, by the exercise of a sinister and oblique discretion, to advertise the insufficiency of the institutions which he praises. A democracy which is assumed to be in peril from its own laws, which cannot achieve its functions except by confessing its impracticability, will not long be the serious creed of this land or of any other. It is in the interest of democracy itself that injustice should find redress, and that every properly qualified voter should be fairly accorded his political status in the impartial light of his legal qualifications. The moment the law is given the twist or the squint of race or class or party, it ceases to be law. It becomes the despotism of race or class or party. This despotism has at times been necessary. It is often benevolent. It is sometimes wise. One thing, however, it is not; nor can it be. It is not democracy.

Wherever men at the South have tolerated arbitrary government, and wherever despotism, however benevolent, has been established, it has been a policy of emergency, of necessity, rather than a policy of choice. The times of emergency and necessity, save in a few exceptional localities, are passed. Yet old habits have remained, and to-day the wrongs which were often done by fraud or force without the law are now sometimes done "by administration" under the law. That the South itself has remedies for these wrongs is, I think, apparent. That the South will apply these remedies—not in the immediate interest of the North or of the negro, but in the interest of its own welfare—is, I think, probable. Here and now our question reverts, however, to the Fourteenth Amendment. Does its second section contain a remedy for these possible wrongs of suffrage administration in the Southern States?

We have seen that from the mere number of the voters in any particular election it is difficult to determine the extent to which there has been any denial of suffrage. We have seen, moreover,

that a conditional abridgment of suffrage is hardly to be considered a denial or abridgment of suffrage rights within the meaning of the Constitution. We have also seen that the letter of our suffrage laws at the South contains, apparently, no definite negation of the political principle of equal rights, and that such injustice as remains is not the injustice of the State (for the State as a State has framed its laws in harmony with the Constitution), but the injustice of the registrars. A law—equal and even in its essential provisions—may be so interpreted, by an exercise of discretionary power, as to impose a more exacting standard for the black man than for the white man. Can this abuse of discretionary power—an abuse which the State permits but which the State does not necessitate or prescribe—bring the State itself within reach of the penalties of the Constitution? Can Congress, under the provisions of a national Constitution which takes cognizance of the State only as a State, impose a penalty upon the whole commonwealth in punishment for an administrative fault of certain of its officials? Can Congress take legal cognizance of voters excluded from the suffrage, not by action of the State nor by vote or decision of a majority of its citizens, but by the arbitrary discrimination of particular registrars?

If the powers and penalties of the Federal Constitution may be employed to meet faults of administration within the borders of the several States, faults in the administration of State laws, at what point can we ever place the cessation of federal cognizance and control? Is it not obvious that, while individual wrongs should be righted and administrative evils corrected, the primary remedy lies within the Courts of the State? To these the individual voter has constant access. In Alabama, the man, white or black, who has suffered from wrongful discrimination may protest the decision of the registrars and may lodge his appeal, *without bond*, to the Courts of his own State. Inasmuch as the courts have not hesitated to find in favor of a worthy negro plaintiff, the machinery of justice within the State has been shown to be legally adequate for the correction of administrative abuses.* I say "legally" adequate. Morally and practically the process of appeal is naturally difficult. For such moral and practical diffi-

* See *The State of Alabama vs. Crenshaw*; opinion by Judge J. Haralson, in the Supreme Court of Alabama; Alabama Reports, Vol. 138, p. 506.

culties there are only moral and practical remedies, the remedies of public opinion, of a wiser and juster civic mind. Upon these remedies the legal remedies must at last depend for efficacy and completeness. To declare that the Federal Government must govern wherever the State does not govern perfectly, and to assume that an administrative evil of certain officials within the State is to challenge congressional action and is to be the subject of a constitutional penalty, would be to make havoc with the elementary compact between our national and our local Governments. If it be shown that the State by its own legislative action has established an unequal law, the law would be *prima facie* evidence of wrong. But where the evil is merely an evil of administration, a just official may correct at one registration the error committed by an unjust official at the last; the whole electorate is constantly in a state of change, one class may be favored in one locality and another class favored in another; in one year the vote may be large, the next year it may be small; the situation is never one for mathematical determination; and yet the very essence of the second section of the Amendment is its assumption of mathematical sufficiency.

To say that substantial justice ought not to be defeated by legal technicalities is to touch near to the heart of our question. And yet still nearer to the heart of the question lies the truth that technicality is of the essence of statutes, and that those who would claim for any element of the population a juster measure of legal privilege should not be in haste to speak censoriously of the precise terms of the organic law. The spirit of the Constitution sometimes lies beyond the letter; it seldom exists in contradiction of the letter. If the precise terms of the Amendments do not meet the expectations of our colored population, it is perhaps because the federal authority attempted a task to which federal law is not completely adequate. Obviously, there was no failure of intent on the part of those who framed them. If ever a legal instrument were devised, in intensity of purpose and with deliberate calculation, to achieve a specific and unalterable end, such an instrument is found in the two concluding Amendments of the Constitution of the United States. That this legislation bore with little conscious benevolence upon the South, the South need not complain. Nor, I take it, need complaint arise from our friends among the colored population or from our kinsmen of the North,

if the South—measuring the weight of her difficulties and the complexity of her needs—ask the privilege of testing its provisions by its own terms, of meeting legal enactments by legal processes. Certainly, of all sections, the South may be forgiven if she ask the country not to transgress the provisions of the Amendments.

If there seem to be a certain audacity in the suggestion, it is not, I trust, the audacity of the cynic. It is the expression of a serious and ever-deepening conviction that all that is good in the second section of the Fourteenth Amendment may now be best established by the modification of the popular conception of its terms. Thus far, however, I have been able to write only from the layman's standpoint, and I am, therefore, unwilling to leave the question in its present form. In proceeding to make the more important suggestions of this paper, I would now assume that the proposal is intelligible and practicable, and I would at this point wholly ignore the difficulties upon which I have thus far dwelt. Having contended, through the whole course of the controversy at the South, that the suffrage laws should be "level" in their operation, that the law should exact, justly and impartially, a fixed measure of fitness from every voter, excluding the unqualified and admitting the qualified, I would have little disposition to question the value of the Amendment if it seemed fairly to meet the conditions of a permanent and reasonable remedy. It may be a "technicality" to inquire whether the Amendment was passed under truly republican conditions; whether it is consistent with itself, coherent in its terms, practicable in its demands, and applicable to the specific evils which now exist. It is not, however, a technical inquiry to ask how far the Amendment is fitted to secure the essential human ends which it was framed to establish. If the application of the penalties prescribed in its second section will so operate as to secure justice between class and class, if it will check, or tend to check, the unjust exclusion of qualified negroes, and if it will check or tend to check the unjust admission of unqualified white men, then—all other arguments aside—its enforcement will seem to many like an instrument of substantial benefits, an instrument by no means perfect, but adapted, in an every-day sense, to the working necessities of the case.

But would the proposal to enforce the terms of the Amend-

ment—as these terms are popularly understood—serve to limit the political importance of the unqualified white man or to secure the political privileges of intelligent and self-respecting negroes? Would the reduction of the representation of the Southern States, in proportion as they have limited the number of the voters, serve the real interests of democracy? This statement would not have been undertaken save for the conviction that under such a policy of Congress—if the assumption of the federal argument is sound—the qualified negroes would be the largest sufferers and the unqualified elements of the white population would be the largest beneficiaries.

II.

If, as the federal argument would imply, the inadequate operation of the local conscience must challenge the intervention of the federal authority, it is hardly to be expected that the enforcement of the Amendment will essentially enlarge the popular temper of the South. Under the assumption that the mind of the South has been unsympathetic toward the negro, it is perhaps not unreasonable to assume that genuine sympathy for the negro will not be increased by a policy of national intervention. The South, by this assumption, having administered her laws from a class standpoint, would be likely to attempt from a class standpoint her adjustment to the conditions imposed upon her by the congressional penalties. Under the enforcement of the popular interpretation of the Amendment, four courses would seem to be open to her.

(1). She may at once remove all her suffrage tests, readmitting to the electorate black men and white men of every class. This would mean the nominal reacceptance of the illiterate of both races, and the placing of political power once more in the hands of great masses of the ignorant and irresponsible. Such an electorate would but invite the cupidity and debauchery of an earlier period. The South might thus retain her power in Congress, but it would mean the purchase of representation at the cost of all that makes representation worth while. The injury to the whole country would be second only to the injury to the South. The congressional power of the Southern States would rest, without possibility of escape, in the hands of its very crudest and lowest forces; threatening in Congress the dignity and peace of the Nation, and imperilling at the South the fundamental securities of

property, as well as the larger and nobler policies of the State. The results of such a course, in the judgment of men familiar with our conditions, would be so appalling that no extremity of suffering or disaster could constrain the South—or the country—to give it serious consideration. The illiterate among the white population and, more especially, the great masses of illiterate blacks, make suffrage restriction the starting-point of all our responsible statesmanship.

(2). While the non-restriction of suffrage is unthinkable, the restriction of representation is both thinkable and possible. If, however, the assumption of the federal argument be defensible, the South is not likely to suffer the restriction of representation without exacting to the letter the conditions to which restriction will invite her. If she is forced to bear the penalty for the offence of excluding the negro, she may choose to make the offence complete. Pending any adverse decision under the terms of the Fifteenth Amendment, she may accept the privilege clearly accorded her under the Fourteenth. She may elect to disfranchise every negro voter—the good as well as the bad, the property-owner as well as the thriftless—and frankly take the punishment which Congress may provide. Serious as such a course would be, it would be better for every interest of civilization than the readmission of the illiterate. The former course would bear with harsh injustice upon our worthy negroes, the latter course would mean the loss of the worthy negro, as a political factor, in the masses of the ignorant, and would bring peril to the essential rights of both races and of every class. The South does not wish to lose her power in Congress or in the Electoral College; but, if this power should be radically reduced, it would be difficult to restrain the popular tendency in favor of a practically homogeneous electorate. Whether the South abate the offence of suffrage restriction and readmit the illiterate, or whether the South reduce her representation in Congress and complete the offence of suffrage restriction, the intelligent, self-respecting negro voter has little to choose.

(3). It is evident that those who advise the enforcement of the popular conception of the Amendment have entertained another theory as to the operation of their policy. Accepting the implication of the federal argument and assuming that the South would be moved by the narrower motives of self-in-

terest, they have not anticipated that the illiterate would be admitted or that the offence of restriction would be completed. They have looked to see the South, under the enforcement of the Amendment, striving to hold to the uttermost her congressional power and, as a partial basis for this power, admitting the worthier negroes to the franchise in ever larger and larger numbers. In this view of the situation, those who yield a reluctant acceptance to a penalty are expected to accept not only the penalty itself, but the purpose for which the penalty is imposed. It is sometimes the case, in the affairs of our human nature, that penalties which seem to be nicely adjusted to attain their results are as nicely, though perhaps unintentionally, adjusted to defeat their purposes. Indeed, where great unsympathetic interests are at issue and where the deeper passions of our humanity are involved, it is not to be expected that a political penalty, unless self-executing in its nature, will necessarily establish the exact purpose of its enforcement. It is true that, under the terms of the Amendment, the South might interpret the necessities of the situation as the advocates of enforcement have anticipated, the South might seek to hold her Congressmen by admitting, as the partial basis of her representative power, an increasing number of educated negroes. But, if the assumption of the federal argument be sound, is that what the South would do? If the South, upon the whole, is really swayed by the narrower motives of self-interest and is blindly exercising an oblique discretion in the administration of her suffrage laws, why should the South take such a course?

(4). It is to be remembered that the general moral pressure of the Amendment is not only opposed to suffrage restriction, but is in the direction of suffrage extension. The larger the mere number of the voters, the smaller the possibilities of loss in the House of Representatives and in the Electoral College. The negro voter is simply a unit of representative power; in so far as he is admitted the South will be politically strong, in so far as he is excluded she will be politically weak. Undoubtedly, under such conditions, there will be great pressure upon the South to admit large numbers of her negro population. But why should it be assumed that the registrars will prefer to admit the educated rather than the uneducated? The uneducated are as effective as the educated for the mere purposes of political power. The Amendment takes no cognizance of anything but the nu-

merical consideration. Looking, therefore, only to the numerical consideration, the registrars in our Southern States, still exercising a discretion which Congress may not constrain, will be quite free to admit to the suffrage those, and only those, who are regarded as politically "desirable." That they will not admit all the uneducated has already been affirmed. That the educated will be given a preference in the better localities is not improbable. But that election officials, drawn from the classes of men usually available for such service, are likely, on the whole, to rise to the heights of a far-seeing, constructive statesmanship and will be generally inclined to register the educated rather than the uneducated is too much to expect. It is wholly unreasonable to demand that petty political administration at the South shall be immeasurably superior to like processes of administration in other sections. Under like conditions, what would be the tendency of administration in Philadelphia, in New York city, in rural Connecticut, or Rhode Island? I say this not to excuse, but to explain. I would not defend injustice or perversity; I am attempting a colorless interpretation of political probabilities, of probabilities which all may regret, but which, in any frank perception of the situation, no man can refuse to see. Under like conditions anywhere, and under the average local administration of our American politics, the registrar, if under constraint to register an opposing class, would, I think, be inclined to favor the docile rather than the responsible among them, the uneducated rather than the educated, the "useful" and the purchasable rather than the incorruptible and the free. Here and there at the South, registrars of superior character would favor the worthier classes of our negroes; here and there the worthier individuals among our negroes might, by judicial process, assert and secure their rights before unsympathetic registrars. Upon the whole, however, it is evident that the practical tendency of administration would be to add to the electorate of the State, as a mere numerical basis for congressional power, the very classes of negroes which ought to be excluded, and to exclude from the electorate those classes of negroes which to-day deserve the franchise. That such a prediction would not hold good in all localities I have already stated; that it would hold true, however, in the very localities where injustice chiefly demands correction is evident enough. To the mind of the registrar who is swayed by the selfish interests of race

or party, the "desirable" negro voter is, as I have explained, not the negro whose resourcefulness or independence may be regarded as "troublesome," but the negro who, because of ignorance, cupidity or indifference, is most amenable to control. The enforcement of the terms of the Amendment may increase the registration of negroes at the South, but the increase in the number of the electorate may mean the reduction of its quality. The class of negroes in behalf of which the policy has been invoked will be the first to regret its enforcement and the last to share its benefits.

More serious still are the probable results of the suggested policy, in relation to the white population. The real crux of our suffrage situation at the South now lies not in the negro, whether educated or uneducated, but in the illiterate white man. He is by no means lacking in political capacity. It is a mistake to assume that he is fairly represented by the lowest "cracker" class, or by the "poor white trash" of romantic fiction. He represents a sturdy rural population, a population which is unlettered and untrained, by reason of its isolation rather than because of economic exhaustion or social degeneracy. He has listened, as his fathers have listened for generations before him, to the debate of political issues, and he has been trained by long experience in the clear and rigorous decision of public questions. He excels the negro voter by the genius of his race, by inherited capacity and by a political training which has formed part of the tradition of his class. He is narrow, crude, assertive, and sometimes violent, but he is superior, as a factor in the electorate, not only to the negro, but to any other illiterate population of our country.

Yet his political power is unduly great, and the political importance of his vote is of injury to the party of his alliance, and is of oppressive and tragic significance to the State he sincerely loves. It is in the interest of the State, it is in his own interest and in the interest of his children, that there should be some limitation of his influence. In 1900, there were 8 counties in Alabama in which 20 per cent. and upward of the *white* men of voting age were illiterate; in Georgia, there were 12 such counties; in Virginia 15; in Louisiana 23; in Tennessee 27; in Kentucky 38; in North Carolina 43. For one man who is technically illiterate there is always another who can meet the technical test, but who, to all practical purposes, is illiterate also, illiterate because through the fate of his isolation, and because of the peculiar

social conditions of his rural life, he is seldom called upon to read or write. Within the cities of the South our educational facilities are adequate; but these cities are, for the most part, comparatively small, and they contain but a meagre proportion of the population of the State. In Virginia, in 1900, only 14.7 per cent. of the population lived in incorporated places of 8,000 and over; in Alabama only 7.3 per cent.; in Mississippi only 2.6 per cent.—as contrasted with 61.2 per cent. for New Jersey, 67 per cent. for Massachusetts, and 68.5 per cent. for New York. The South is preponderantly rural. Its public opinion is thus largely under the influence of the social and intellectual conditions of rural life. Its political leadership is, for the most part, in the control of those who know how to command the interest and support of rural localities—localities within which the significance and importance of the illiterate or uneducated vote is often decisive. It frequently determines the working conditions of our leadership, in politics, in the church, in education, in journalism; for that which the uneducated voter has not the knowledge to read he has power to hear and sensitiveness to resent. Thus the task of public criticism becomes formidable indeed, and at times impossible; inasmuch as the saddest and most tragic element of illiteracy is not the mere illiteracy, but the personal and social temper, the state of mind, the suspicions, prejudices and prepossessions which become the habit and tradition of every illiterate class. The very force and vigor of our uneducated population make it quick to feel and act, and make its memories undying.

The far-reaching changes which are fast coming about in the educational conditions of the South make the future full of promise; but it is at present impossible to ignore the immediate practical significance of the social and intellectual conditions within which the struggle for academic and political freedom must be undertaken. That all of the uneducated among our white men should be excluded from the ballot is too much to expect or to ask. No commonwealth can, with self-respect or with the respect of the world, strike the suffrage from the hands of men who have fought in the armies of the state. These constitute, however, but a small and decreasing company. Taking our situation as a whole, it is increasingly obvious that the real emancipation of the South now lies through, and only through, the reduction of the political importance of the uneducated elements of our white electorate.

In this direction lies the deeper moral resolution of the South to-day. The masses of the illiterate negro vote have been eliminated; but the movement of suffrage restriction has not been stopped at the negro. There is much shouting about the black man from the house-tops, but within the house there is much quiet attention to the white man. There may be much profession of an intention to "consider" the white man in the suffrage law proposed; the illiterate white voter may be promised especial favor in the terms of the test; but all men know that the mere imposition of any test—however generous toward certain classes, and however indulgent in its administration—will operate among an ignorant and isolated population as a test of exclusion. Whatever the terms of the law, there will be thousands who—through neglect, or pride, or sensitiveness, or preoccupation—will not take the steps to comply with it.* This conclusion is writ large over the present political experience of every Southern State. It witnesses to a movement which, however little it may have been intended by a few of our political spokesmen, is welcomed with increasing relief by our educated classes and is assuming, with every month, a form more conscious, more deliberate and more resolute. Its success means the success of a new and more fertile leadership of ideas, in church and state; its surrender—the readmission of all the classes of our white illiteracy—means the indefinite postponement of all the broader and happier conditions of academic and political freedom.

Not that the South desires the disfranchisement of any white man. The ties of race attachment are supremely strong. But through her awakening interest in popular education, the South testifies to her desire to bestow the qualifications for the ballot as well as the ballot, and to give suffrage by first fitting for suffrage. Is this double movement of beneficence to be arrested? Is the increasing interest in the qualification of our electorate and in the freedom of its leadership to be brought to disaster? Is the restriction of our white illiteracy—a course demanded by our highest self-interest and repeatedly urged upon us by the negro and by the North—to be the subject of a constitutional penalty?

Under the enforcement of the popular conception of the Four-

* In 1900, Alabama had 232,000 white men of voting age, yet the total vote of the State in November, 1904, was only 108,845. In explaining why more than half the *white* men of the State failed to vote in such an election, our laws restricting the suffrage can hardly be ignored.

teenth Amendment the reduction in the number of voters must result in the loss of representative power. The Amendment knows no distinction of color. Under its popular interpretation, it is proposed to limit the political power of the South in proportion as she limits the number of her negro voters. It is also proposed to limit the political power of the South in proportion as she limits the number of her white voters. The enforcement of the terms of the Amendment is thus calculated to make the South cling with greater tenacity than ever to the body of ignorance in its white electorate; for, while at one moment the North calls upon the South fairly to eliminate its illiterate white vote, in the next moment the South is told that in direct proportion to the elimination which she secures she must submit to the reduction of her representative power. The popular conception of the Amendment proposes a penalty upon suffrage restriction, and it is a penalty which, if applied, must operate to arrest restriction and to readmit to the exercise of the suffrage the classes of our white population which we are gradually attempting to exclude, the classes which form our chief political embarrassment, and the very classes of which the negro and the North have made most complaint.

Words fail me to point the consequences of such a course. Its results would be positive as well as negative; national as well as sectional.

Such an enforcement of the Amendment would operate not only to put a penalty upon the restriction of suffrage, but to place, indirectly, a premium upon its extension. It is a policy which would tempt the State, North as well as South, to broaden the basis of the electorate in order to hold the broadest possible basis of representative power. That a number of Congressmen and a number of electoral votes would be lost to the South, and that a few Congressmen and a few electoral votes would be lost to the North, would be but immediate and temporary incidents of the experiment. The States would be tempted to regain their power, and not only to regain it, but to add to it, by the swelling of election rolls as well as by the indiscriminate registration of electors. The more conscientious States would be at the mercy of the less conscientious. So long as representative influence is determined upon a basis of population, the sources of such influence lie within the view of all. The census of the population deter-

mines once in ten years, with approximate accuracy, the congressional apportionment of the States. But when, under the constraint of the Amendment, the whole basis of representation is modified throughout the country, Congress correcting the representation based upon population by a reduction based upon the restriction of the vote, an insidious temptation is placed before the party—whether in Pennsylvania or in Texas—which is locally dominant. A premium is offered, as has just been stated, to fictitious enrolment as well as to indiscriminate registration, the result of a large vote securing not only the election of party candidates, but a relative increase in the State's electoral and congressional power. That such a policy would bring any advantages to our country, sufficient to offset its evident disadvantages, is quite improbable; and thus the enforcement of the familiar interpretation of the Amendment would be coincident with new perils to the Nation as well as with misfortune and unhappiness to the South.

It is not unnatural that there should be much of moral impatience with the existent suffrage abuses in our Southern States. It will, of course, always be difficult for some of us to understand why the disfranchisement of negroes at the South should excite so much more of interest and indignation than the practical disfranchisement of white men in Philadelphia and in Connecticut; but that there are cases of grave injustice at the South I have no disposition to deny. The South would not assume that her conditions are wholly above reproach. She has not yet solved the grave problems which arise out of her economic conditions in the past, out of the present disparity and the increasing estrangement of her populations, out of that tragic limitation of her revenues which weakens and embarrasses her policies of education. The evils of her fate abound. No man, truly loyal to the South and to the Nation, cares to ignore them. They cannot be met by the idle flattery of our multitudes or by refuge in the traditional sophistries which have so often served the interest of the hot-head and the demagogue. Justice to the intelligent and deserving negro involves no advocacy of "negro rule"; the glory of the Caucasian is to be found not in the races he has learned to cheat and to despise, but in the deserving and despairing souls, of every race, whom he has helped upward to opportunity and happiness. It is well for us to point

out the hypocrisies of the North, but the hypocrisies of the North are not those which will hurt us most. The loyal citizen of the South has more fear of the consequences of Southern insincerities than of Northern; those of the North may unjustly damage our repute; those of the South bring damage to something deeper still, to our institutions, to our children, to our social and political character as a people. And even though condemning the occasional hypocrisy of other sections, we may find, and we do find, an influence of help rather than of injury in the "decent public opinion" of the world.

It is questionable, however, if the suffrage is precisely the point at which the aid or intervention of the Nation can ever be made effective. That suffrage is essentially a local concern of the individual State is implicit in our whole constitutional system. So long as the primal basis of suffrage legislation lies within the State—a basis which cannot be destroyed at the South without being destroyed at the North—the State will always be able to meet any national enactment by some device of local administration. There is no way in which the Nation can guarantee the processes of local administration except by itself assuming the burden of such administration. The Nation will not be able to coerce the local will, unless it break down the whole system of local self-government and substitute the military for the civil power. This would be no essential remedy. It might give a temporary mechanical protection to the injured class, but it would involve the destruction of republican conditions for all men, in the attempt to establish republican conditions for the few. The forcible imposition of democracy from without or from above is a contradiction in terms. There are some things the Nation cannot do. It cannot, at one and the same time, rule by an external army and by a local constitution. If the national Constitution could have reached effectively the precise evils which obtain within the South, the task would have been accomplished in the Fourteenth and Fifteenth Amendments; and if the Amendments have not seemed to be completely adequate, the result is due not to the failure of purpose or ability upon the part of those who framed them, but rather to the nature and the limitations of our constitutional system.

The inadequacy of the Amendments lies, however, in their formulæ rather than in their spirit. Their elementary ideas—

the ideals to which they attempt to give expression—are sufficient and are self-administering. They are self-administering, however, in no mechanical or formal sense, but in the sense that the American character, South as well as North, responds to them, inwardly assents to their truth and therefore to their authority, and looks forward to their ultimate fulfilment. These ideals reside not in their coercive features, not in their penalties or prescriptions, but in their expressions of political and social right. Thus understood, they fundamentally represent but one principle, the principle of civil and political equality; not the equality of individual capacity, or of personal, racial or social value, but the equality of citizens within the order and administration of the State,—*equality before the law*, whether this law represent a trial by jury, a rule of evidence, or a suffrage test. These ideals abide. The American claims them and honors them as part of the tradition of his heritage. Conditions may obscure them, grave and unescapable difficulties may seem to compromise their reality and postpone their recognition, but our whole country, North and South, is steadily moving toward them rather than away from them. In their keeping is the future, for they are of that moral and indefectible order which shall outwatch the blunders and tragedies of our generation.

The attempt, however, to establish any principle of true democracy by a process of penalties is likely to be futile; it is not unlikely to be self-destructive. The setting of class against class—where one class is essentially stronger than the other—may alter the form of class ascendancy; it cannot change its inherent and inevitable basis. In such a case a futile penalty is more than a futility; it is a crime against both the strong and the weak; against the strong, because it is the aggravation of unnatural and abnormal hatreds, breaks down the sense of stewardship, increases the sense of indifference and alienation, developing the passions of constraint by imposing a policy of constraint. It is a crime against the weak because it involves a like alienation and a like distrust of moral forces. The North may punish the white man, but the retort of the white man falls too often upon the negro. The negro is upon the line of the cross-fire between the sections. The Federal Government may be solicitous as to his vote, but the negro needs the daily and neighborly solicitude of those who offer opportunities of labor, possibilities of bread. The

North, especially the negro of the North, may wish to strike at the South, but the Southern negro, knowing that he must live with the Southern white man, rightly feels no cowardice in the confession that a privilege accorded voluntarily by the South is worth more than any conceivable privilege that might be imposed externally by the North. The latter may be but a temporary and exotic bauble. The former is a fact to rest in. What it is, it is. Because its basis lies rooted in the common consent of the whole people it is a social and political reality. It is of a piece with nature. It is an achievement of democracy.

It is evident, therefore, that the real power which the North has not, the South has. The essential results, however, await not only the power, but the disposition, and this, too, no external authority can provide. It must be provided, if it is to be provided at all, by the South itself. I have written this paper because I believe that the attempt of the North to provide the power would operate within the South to delay the disposition. And yet I could not have written at all had I not felt justification for the opinion that the South—despite a few strident and reactionary influences—is uniting disposition with power in a gradual but increasing effort to square our political administration with the assumptions of our democratic life.

Compromise with injustice means the compromise of our own welfare. Wrong done in the name of our institutions is a wrong to our institutions rather than to its victims. The white voter who under our own laws remains unqualified, should be excluded in his own interest and in the interest of the State. The qualified negro—qualified by our own tests and under our own laws—should be fairly registered without evasion or postponement. Suffrage purification is no merely negative process. Ballot reform is not a reform by elimination only. It is reform by addition, also,—reform by the addition of the worthy as well as by the elimination of the unworthy. I profoundly disbelieve in any social admixture or amalgamation of the races, but I confess that, in a certain high civic sense, I am glad that I can hold in honor the negro man who after only forty years of freedom is able fairly to stand upon his feet before the white man's law and take the white man's test. The registration of such a man is a security rather than a peril to every sound and legitimate interest of the State. That the South

recognizes his presence and accepts the credentials which he offers is evident from the fact that tens of thousands of such men have been accepted as registered voters under our amended Constitutions. *To increase their numbers*, to knit their loyalty to our institutions, to confirm their liberties, to enlarge the opportunities of the worthy, the industrious, the peaceable among them; to restore between these and our white population the confidences of the past—this may well rank among the honorable and serious interests of church and school and press, of all our adequate leadership.

If I have written, therefore, in opposition to the enforcement of the popular conception of the Fourteenth Amendment, I have done so because I believe the truth and purport of this section of the Constitution lie deeper than its proposals of coercion. If its essential burden be “the equality of men before the law,” coercion might delay but could not advance the free and permanent acceptance of this burden at the South. To the weight and meaning of it our civilization is responding. The Amendment is weak where it appeals to force, strong where it appeals to truth. The deeper mind of the South, in appealing from its penalties to its principles and its anticipations, is not at war with life.

EDGAR GARDNER MURPHY.

Montgomery, Alabama, December, 1904.

WORLD-POLITICS.

LONDON: BERLIN: ST. PETERSBURG: WASHINGTON.

LONDON, *December, 1904.*

THERE are few things more wonderful or more interesting in the history of modern commerce than the growth of the beet-sugar industry. Thirty years ago, it scarcely existed; its total product was less than a million tons. To-day it yields, I suppose, about six times that amount. Thirty years ago, the quantity of sugar extracted from the beet-root was not more than five per cent.; to-day it is all but fifteen per cent. Two factors have combined to produce these results. One is the extraordinary enterprise of the Continental, and especially the German, manufacturers and producers, and their devotion to new and better methods. The other is the bounties which the Continental Governments have voted to promote the industry. From the combination of these two factors certain consequences have flowed of immense moment to Great Britain. One is that the development of cane-sugar has been cramped. Thirty years ago, the production of cane-sugar available for export was over half as much again as the world's production of beet-sugar. To-day there is, roughly, twice as much beet-sugar produced as cane-sugar. The output of the former has more than quintupled, while the output of the latter has less than doubled, since the early seventies. All cane-sugar countries have felt and suffered from the competition of bounty-fed beet-sugar, but no country more severely than the British West Indies. The reason why the British West Indies have suffered with peculiar severity is partly because they have been cut off from their near and natural market in the United States, and forced to depend on the distant market of Great Britain, and partly because the West-Indian planters have lacked the science, energy and organizing capacity of their beet-growing rivals on the Con-

tinient. It has been fiercely argued, and as fiercely disputed, that bounty-fed beet-sugar would ultimately drive the production of cane-sugar out of existence, that unless the Continental Governments could be persuaded or coerced into abolishing the bounty system the British West Indies were as good as ruined, and that the Continental beet-growers would be in a position to monopolize the British market and exact what prices they pleased. It seemed, at any rate, to be established that the British Government, being responsible for the welfare of the British West Indies, lay under the obligation of doing all it could to get rid of the bounty system.

But here Imperial interests clashed with home interests. If it was to the advantage of the British West Indies to abolish bounties, it was equally to the advantage of England herself to maintain them. And for this very obvious reason. The Continental beet-growers could afford to sell sugar in the British market at less than cost price. Practically all Europe was taxing itself in order to provide Great Britain with cheap sugar. The bounties paid by the Continental Governments went directly to Continental growers and refiners, but indirectly and with still greater benefit to British traders, manufacturers and housewives. Under the operation of the bounty system it was possible for the British consumer to buy sugar at one-half or one-third the price paid for it in the Continental producing countries. The command of this immensely important raw material, at prices far lower than any other rival could purchase it, gave to British manufacturers an opportunity they turned to the fullest account. The confectionery and candy business, the mineral-water business, the jam and pickle business, the biscuit business were built up and developed on the basis of cheap sugar. What was there that could tempt the British Government into depriving the country of the great and manifold advantages which the policy of the Continental Powers had bestowed upon it? Well, there was, first of all, the necessity of "doing something" for the West Indies; and, secondly, there was the fear that, having crushed out the competition of cane-sugar, the Continental beet-growers could afford to surrender their bounty in return for the monopoly of the British market, and that an international trust which would unite the manufacturers in the chief beet-growing countries into a single association and effectively control production, distribution

and prices, would infallibly ensue. To this it was replied that the imports of West-Indian sugar amounted to only some three per cent. of the total British imports of sugar; that to ask Great Britain to pay more for its foreign sugar (ninety-seven per cent. of the whole) in order that it might also pay more for its colonial sugar (three per cent. of the whole) was Imperialism run mad; that the Continental Governments were so deeply committed to bounties that they were about as likely to give them up as to disarm; and that to talk of a monopoly of sugar—the production of which, both from beet and cane was constantly increasing—was as absurd as to talk of a monopoly of corn or cattle. The true policy, it was contended, was for Great Britain to continue to take advantage of the artificial cheapness of sugar as long as possible, and for the West Indies to wake up to the necessity of up-to-date methods.

But Mr. Chamberlain thought otherwise. The West-Indian planters and British sugar-refiners, who had tried for forty years to abolish the Continental bounties, found him an easy mark; and his surrender to their arguments in 1902 marked—though few of us perceived it at the time—his first plunge into Protection and Colonial Preference. It was at his instance, and by the power of his authority, that Great Britain in 1902 entered into the Brussels Convention. Ten sugar-producing and sugar-exporting countries, and Great Britain, which does not produce sugar, but only imports it, were the parties to this Convention. Under its terms, the Governments of the aforesaid ten countries agreed to abolish bounties. Great Britain bound herself not to import sugar from any country which was not a party to the Convention, and which gave bounties. Bounty-fed sugar from the self-governing British colonies might still be imported; but in the Crown Colonies the British Government undertook to grant no bounties. A Permanent Commission of eleven members was established to superintend the workings of the Convention during the five years for which it was to be in force. Among the countries from which Great Britain virtually pledged herself to receive no imports of sugar were, and are, Russia, Egypt, Denmark, the United States, Cuba, the Argentine Republic, Brazil, Chile, Peru, Java, and the Philippines. Such, in rough but, I think, adequate summary, was this Convention. How has it worked? In July, 1902, the price of German eighty-eight per

cent. beet-sugar, f. o. b., was \$1 50 per cwt.; in February, 1903, when the Convention was ratified, it rose to \$2; in September, 1903, when the prohibition of bounty-fed sugar was first enforced at the ports of the United Kingdom, it rose again to \$2 12; in May, 1904, it went to \$2 33; in September, 1904, to \$2 72; and at the present moment it stands at the abnormal figure of \$3 50. In other words, Great Britain is now paying more than twice as much for her sugar as she was paying two and a half years ago.

That much of this increase is due to the drought of last summer and the shortage of nearly a million tons in the year's production of beet-sugar is incontestable. But it is also incontestable that the increase has been enormously aggravated by the workings of the Convention. Ever since the Convention went into force, prices have steadily risen; and, though the extreme jump of the last few weeks is the result of a produce exchange gamble, an increase which has lasted over a period of three crops cannot be explained away by temporary and accidental circumstances. If deficiency of production were the sole cause of the enhanced price all countries would be suffering alike. But, as a matter of fact, the whole burden of it falls on Great Britain. In Switzerland, which is not a party to the Convention and which is importing all the sugar it needs, whether bounty fed or not, the price per cwt. is \$1 25 less than in London. Were Great Britain in the same position of freedom, she would now be receiving bounty-fed sugar from Russia and Argentina at prices that would quickly blow the Continental "corner" to pieces. But, having deliberately restricted her sources of supply to the countries that were parties to the Convention, she finds herself in precisely the same position as Lancashire during Mr. Sully's raid on the cotton market. The supporters of the Convention reply that prices have fluctuated just as wildly in the past, and that, by giving cane-sugar a chance of life, the Convention must in the long run not only increase the area of cultivation but make for stability, if not for a lowering, of prices. But so far the Convention has worked in a precisely opposite direction, and at least \$40,000,000 of the increased cost of sugar during the past year is due to it, and to it alone. Very little of this increased price has found its way to the West-Indian planters. The country has, in fact, mulcted itself in \$40,000,000, in order to make a beggarly present of \$500,000, or so, to the West Indies.

Nor is this all. The Continental countries, relieved of the onus of a bounty and protected by a surtax, have, since the ratification of the Convention, greatly increased their consumption of sugar. Prices with them have fallen even more than they have risen in England, and sugar to-day is very little, if at all, cheaper in London than in Paris, Berlin, Brussels or Vienna. For the year ending last August, the consumption of sugar in Germany, France, Austria, Holland and Belgium increased fifty-four per cent.; in England, during the same period, it decreased three per cent. One consequence of all this is that the trades which in England flourish on cheap sugar are severely depressed, are working half-time in some cases, and in others are contributing to the already swollen ranks of the unemployed. Another consequence is that the openings in foreign markets which cheap sugar has enabled British manufacturers of jam, pickles, chocolate, mineral-waters, etc., to secure, are now being seized upon by the foreigners themselves. This is especially the case with the Swiss, who are taking all they can lay hands on of the 500,000 tons of bounty-fed sugar that Russia is prepared to sell, and who are busily ordering machinery and building factories for the preserving and candy businesses.

I have ventured to go into this matter so fully, not merely because it is at this moment fiercely debated in England, but because it is an invaluable object-lesson in the realities of Protection and Colonial Preference. No picture-in-little of what Mr. Chamberlain's policy actually results in could be more complete. With regard to other trades, his predictions are predictions merely. In the case of sugar, they have been brought to the test and found singularly false. The presumption is established that, could Mr. Chamberlain treat corn, and iron and steel, and so on, as he has treated sugar, the results would not be very different. For in the case of sugar we have seen Great Britain attempting to defend the Colonies against foreign countries, and to increase the trade between those Colonies and herself. We have seen her, for this purpose, interfering with the free and open market on which her commercial policy has rested for nearly sixty years. We were told that the West Indies and the sugar-refiners would benefit, and that the British public would not suffer. We now find that the British public has suffered to the extent of \$40,000,000 in a single year; that the West Indies have benefited to the

extent of possibly \$500,000; that the sugar-refiners are not nearly so important to the commercial prosperity of the country as the manufacturers who use sugar as a raw material, and need it at the lowest price if they are to hold their supremacy; and that, by shutting herself off from unhindered access to the cheapest market, Great Britain has done her rivals a great service and herself a great harm.

It is pretty well understood that the Government intends next session to introduce a Redistribution Bill. Whether it also intends to pass the Bill, or whether it is simply searching for a less obnoxious issue than the Fiscal question on which to appeal to the country; whether Mr. Chamberlain has agreed to support the Bill, and if so, on what terms—all this is at present guess-work merely. Some say that Mr. Balfour is confident he can rally the whole of the Unionist party to a Bill which, whatever it may be called, is really a Bill for the partial disfranchisement of Ireland, and that he will not only tide over next session, but that the spring of 1906 will still find him in power. Others again declare that Mr. Chamberlain realizes that if he consents to delay the General Election until a Redistribution Bill is passed, he would practically be confessing that his Fiscal policy has failed, and that, unless he can secure from Mr. Balfour some exceptionally satisfactory assurances on the major programme, he will take an early chance of forcing a dissolution. However this may be, the question of Redistribution is again to the fore. The facts which weigh with English statesmen and in English opinion are easily stated. England and Wales have a population of 32,527,000, Scotland of 4,472,103, and Ireland of 4,458,775. The registered electors for 1904 were in England and Wales, 5,643,170; in Scotland, 724,820; and in Ireland, 698,712. England and Wales contribute to Imperial expenditure 87.02 per cent. of the whole, Scotland 10.67 per cent., and Ireland 2.31 per cent. Nevertheless, while England and Wales are represented in the House of Commons by 495 members and Scotland by 72, Ireland sends to the Imperial Legislature no fewer than 103 representatives. If the proportions were to be adjusted in accordance with the number of registered electors, England and Wales would have 535 members or 40 more than at present, Scotland would have 69 members or 3 less than she has now, and Ireland 66, or 37 fewer than she now possesses. On a basis of population, Eng-

land and Wales should have 526 members, Scotland 72 and Ireland 72. At the very least, therefore, Ireland is overrepresented to the extent of 31 members.

Those who are made indignant by such facts as these will be further agitated to hear that the disparity between the largest and the smallest constituency in the United Kingdom is as 28 to one; that one-half of the 670 members represent 4,652,878 electors and the other half only 2,413,825; that one-half of the electors send 464 members to Parliament and the other half 206. It is taken for granted that any final and comprehensive Redistribution scheme would lop off 31 Irish seats and parcel them out among English constituencies that at present are under-represented. This could, of course, be done without in any way seeming to discriminate against the Irish just as the Southern States have disfranchised the negroes without once mentioning them. For instance, it could be done by providing that constituencies of less than 5,000 electors should cease to be represented and that constituencies of over 15,000 electors should return two members; but unless he is deliberately riding for a fall, I hardly expect Mr. Balfour to attempt anything so heroic as all that. It is well established that a great many English constituencies, especially in the neighborhood of London, are ludicrously under-represented; but the mainspring of any Redistribution Bill introduced by a Unionist Government will be the desire to decrease the number of Irish constituencies, rather than to increase the number of English constituencies. In some quarters, it is hoped that, whatever scheme is hit upon, room may be found in it for some such automatic readjustment as follows the decennial census in the United States.

The attitude of the Liberal party towards the whole question is clearly marked. To Redistribution as a principle they are not opposed; but to a Redistribution Bill simply brought forward to side-track the Fiscal question, they are absolutely hostile. Before any new measure of a large and complex character is brought forward, they hold that the Fiscal issue should be disposed of. In other words, their policy is Dissolution. If, however, Mr. Balfour refuses to dissolve and persists with his Redistribution scheme, the Liberals would insist on combining with it Registration reform. They would raise the old cry of "One man, one vote." Again, they would argue that, if there is to be Redistribu-

tion, it must be Redistribution all round, and that no scheme would be acceptable to them which was really used as a cloak for Irish disfranchisement. Furthermore, they would probably insist that, as the amount of Irish representation in Parliament was settled by the Act of Union, it could be reduced only by the consent of the Irish themselves. There is not really much soundness in this argument, but there is a good deal in the plea that Redistribution should only be proceeded with by unanimous agreement between the two great English parties. One may, therefore, take it that Mr. Balfour's scheme will meet with the most determined opposition. But the fate of the Bill is more likely to rest with Mr. Chamberlain than with the Liberals. If he gives the word, it can be carried. If he declines to support it, it cannot. There is, however, a third alternative. The Bill may be proceeded with just far enough to throw the Liberals and the Irish Nationalists once more into an alliance, and then withdrawn. Mr. Balfour might then appeal to the country on the off chance that the Irish question and the relations of the Liberals with the Nationalist party would revive the cry that "The Union is in danger!" and so obscure for a time the disastrous Fiscal issue.

BERLIN, December, 1904.

It was shown in a former communication that one of the immediate effects of the present war has been to throw into sharp relief the relations of the European Powers towards one another, and that already a distinct dislocation in the old grouping was noticeable—England and France, on the one hand, having established what is known as the *entente cordiale*, while Germany, conscious of the centrifugal agencies tending to weaken the Triple Alliance, has deliberately cast in her lot with Russia, thereby strengthening the reactionary forces of Eastern Europe as opposed to the democratic influences of the West. This displacement of the old balance of power has taken place so rapidly—almost, as it were, automatically—that it has escaped the notice of the general public, though it has long been the desire of England to live on terms of friendship with France, and of Germany to reinsure herself with her Eastern neighbor. And now that both England and Germany have secured allies,—all the more valuable perhaps in that, in both cases, the bond is one of

mutual interest and sympathy and is not elaborated upon paper, —a certain reaction is taking place, both Great Britain and Germany feeling that possibly they may have gone too fast, while the consequences, not altogether unforeseen, are making themselves rapidly felt. The Anglophobia of the Germans has generated a corresponding dislike and distrust of Germany in England; and, as Germany must now be placed in the Eastern constellation, it stands to reason that the national reciprocal antipathy of two such virile peoples as the English and the Germans constitutes a real source of danger to the permanent peace of Europe. This fact is now receiving the serious attention of all responsible statesmen in both England and Germany, who, alarmed at the unmistakable signs of growing hostility evinced by both peoples towards one another, are now casting about for ways and means to effect a better feeling, and establish somewhat less strained relations. For these relations are far from being satisfactory, nor do they tend to improve; rather is the contrary the case. It is, therefore, obvious that, with a Europe divided politically into two sharp divisions of East and West, and with the two most powerful nations in these two sections mutually distrusting and continually carping at one another, a situation is created which, from a chronic state of discord and friction, might easily lead to permanent estrangement and hostility, the ultimate issue of which might be of the gravest nature. England represents the West, Germany the East, of Europe. In this necessarily conflicting division, the hostility of any one side towards the other inevitably renders the problem of how to maintain peace infinitely more complex, and its issue infinitely more momentous. For this question of maintaining peace is, without doubt, the great problem of all statesmen of the present century. It is one which Governments will have to face, for the peoples of all nations are growing sick and tired of war.

In Europe the hope for peace lies largely in France. There is reason to believe that the fighting people of Europe to-day are no longer the French, but the Germans. To the latter permanent peace would constitute an insuperable bar to the realization of all Germany's ultimate aims and ambitions. The marvellous development of Germany since the creation of the Empire justifies her ambitions to a large extent; and, as Bismarckian policy is based in all its essentials upon the law of the

survival of the fittest, it is natural enough that the modern German, conscious of his vitality and creative energy, should look forward into the future with the eyes of a Napoleon, desirous above all things to expand, conquer and rule.

In many ways, Germany to-day is in somewhat the same position as was England at the beginning of Queen Victoria's reign. She is in process of development, and all within is restless and unsettled. Her economic conditions compel her to expand, but her tardy appearance upon the world's stage throttles her initiative. What with her present strength she could have accomplished thirty years ago by peaceful penetration, she could only acquire now by recourse to arms. She resembles a giant endowed by nature with every conceivable physical and intellectual advantage, yet who is forced to inaction and to live in cramped premises. She needs room, oversea possessions, and markets; and, if she fails to obtain them, her very existence as a world Power will be jeopardized, and the future of the German race blighted. This, the Pan-German idea, though not conceived by Bismarck, is now the root policy of modern Germany, and as such is accepted by the German people. It is a policy of peace and economic development, until the hour of striking is at hand. Based on force, which is also its justification, this policy will continue to mature until, by its very maturity, the good things of this world—the earth and its riches—fall naturally into its lap, or may be seized with impunity. To this end, the German fleet is being built. In the armed peace of the world, Germany is the central figure. The greater the duration of peace, the greater grow Germany's final chances; but it must be a peace maintained by the fear of war, and based on bloated armaments. And so Germany's rôle to-day is peaceful, for she lives for the future struggle which is to assure her position in the world.

With France, it is precisely the contrary. With that quick grasp of things and events peculiar to the nation, the French now realize that all hope of successfully attacking Germany and obtaining *la revanche* has practically vanished. War being now largely a question of numbers, it is obvious that, as the population of France recedes while that of Germany increases by leaps and bounds, France is annually less and less able to cope with Germany, and even now would be placed at a serious numerical disadvantage in the event of hostilities breaking out between

the two countries. Then, too, democracy is rising, and seems likely to prevail, despite Jesuitical influences and the convulsive agonies of a decayed and decadent aristocracy. And so the French have discovered peace, not so much from the fear of war, but rather from the growing conviction that they have little to gain and much to lose through war, while the higher interests of the nation are better served by dignified and honorable peace. Thus, disappointed in Russia, who has steadily declined to play the part of avenger, France has turned to England for refuge, in whom she sees—and rightly so—a natural ally in all her sympathies and ideals. And, as Russia declined to draw the sword at Fashoda, so France has proclaimed her sincerely peaceful proclivities by refusing to be drawn into the vortex of Russian Asiatic expansion. Never has the French nation been so peaceful as at the present moment. Never have *idéologues* and apostles of peace had more cause to rejoice than at this hopeful sign. For, with France and England desirous of peace, and inwardly determined to cooperate towards its maintenance, a real temple of peace is created which is likely to prove lasting.

The strength of the *entente* was signally evidenced in connection with the Hull incident, when, had France been in the very least maliciously inclined, war would inevitably have resulted. As it was, the French ambassador calmed the troubled waters, and made negotiations, even with the Russian Government half inclined to let things take their course, once more possible. Thus, despite the dangers attaching to the issue of the present war, so feared by all European statesmen, and the possibility of complications involving questions of vital national interests, the prospects of peace are growing more favorable, as the horrors and appalling calamity of modern warfare are brought home to all. In this sense the alliance between England and France can only work for good. It consolidates the West of Europe in a bond of self-interested peace, and links the two most highly civilized nations of Europe in chains of amity and goodwill. When the next Peace Conference is called, that joint influence will make itself felt in a manner undreamt of when last the nations met shyly together to quarrel over disarmament.

Those sceptics who smiled at the bare idea of the Second Peace Conference, that President Roosevelt has summoned, are likely to be genuinely astonished when the delegates of peace finally

meet together again and it is found how sincere is their desire to come to some rational agreement. If three such mighty peoples as the English, the French and the Americans then combine their energies to initiate an era of peace, it will go hard with them if their efforts are not crowned partially with success. The corner-stone of peace has been laid, and the solidarity of Western Europe must already be regarded as one of the most auspicious events of modern times.

It is for this reason, too, that the tension between England and Germany is so severely exercising the minds of German statesmen. The reasons for this estrangement are well known. Bitter animosity, born of envy and rancour, on the part of Germans towards everything English, and, on the side of England, commercial rivalry and growing distrust of German diplomacy, have, together with a series of untoward incidents and misunderstandings, contributed so to estrange the two nations that at this moment it is no exaggeration to say that the only people viewed with unfriendly eyes by Englishmen are the Germans, who entirely reciprocate that feeling. The result is that Germany finds her path obstructed, and, even in the byways of diplomacy, the passive resistance of England now has to be reckoned with.

Indeed, so much is this the case that German diplomatists make open complaint of the frigid reception accorded by England to all their overtures, while every suggestion put forward by Germany is immediately marked by England as a fresh cause for distrust. In the last few years, in particular, German diplomacy has repeatedly had to suffer a polite rebuff at the hands of England, who, in truth, is equally sincere in her cause of complaint. The German bogey is, in short, everywhere. If anything occurs to disturb the equal course of events, it is immediately ascribed to some artifice of the Wilhelmstrasse, which is commonly reported to be a very store-house of Machiavellian intrigue. Thus Germany is seriously believed in England to have brought about the Hull incident; and it is even contended by serious politicians that the German navy was only awaiting the signal to dash across and engage the Channel fleet. Needless to say, the German Emperor is far more astute than that. To risk the German fleet at this juncture would have been mid-summer madness, and as for the other matter, well, it is conceivable that German agents had a hand in the pother, but utterly

improbable that Admiral Rojestvensky was acting upon orders when he fired at the Hull trawlers, and still more so that the German Government was in any way privy to that outrage. Both suppositions should be dismissed as absurd. But it is a curious instance of the state of British feeling towards Germany, and justifies German official opinion in viewing the future with some nervousness. And so the German Government has determined to break with all the traditions of German diplomacy and proclaim to the world her friendship for England. As a set-off the German Chancellor, contrary to all custom, submitted to an interview which was immediately published in the "Nineteenth Century." In this interview, which Count von Bülow shortly afterwards justified in a speech in the Reichstag, the Chancellor delivered himself of a number of well-thought-out platitudes, and denied roundly all the many accusations levelled by English publicists at German diplomacy. This new departure in German policy seems to have had a good effect. It will be followed by various other official proclamations, while in England the cue has already gone forth in the London press to exercise moderation and cease from attacking German policy. This cue is likely to be followed, for Germany has given the British Government plainly to understand that, if the English press continues its assaults upon Germany, a counter attack would be initiated in the German press, the results of which might be very serious to both parties. There is, therefore, reasonable hope to believe that outwardly, at any rate, less will be said in the future about German intrigue, and duplicity towards England.

At the same time, it seems unlikely that England's distrust of Germany will give way to a renewal of that naïve confidence in the friendship of that country which characterized Lord Salisbury's era at the Foreign Office. Nor can Germany really hope entirely to regain that misplaced confidence, as the following well-authenticated instance of the value of German assurances will show. Even at the moment when Count von Bülow was assuring the world in the "Nineteenth Century" of Germany's friendship for England, and denying all breaches of neutrality in favor of Russia, a secret leaked out in diplomatic circles which caused considerable surprise and consternation. It referred to the much-questioned whereabouts of the notorious Russian vessels "Smolensk" and "St. Petersburg" after the dis-

graceful "Malacca" incident, when, as will be remembered, they disappeared round Aden and for a number of weeks were able to defy the vigilance of the English cruisers despatched to bespeak them and send them back to their own country. Suddenly, they were sighted off the coast of South Africa. "Where had they been hiding?" everybody asked, and still asks, not thinking of German possessions in those parts where, as a matter of fact, the two ships had all the time been in concealment, had taken in coal and provisions, and effected repairs. Now, this constitutes a grave breach of neutrality, and is only one other example of German friendship for Russia, and duplicity towards England. As often stated, Germany must choose between England and Russia; she cannot possibly be the loyal friend of both. And, as she has already decided for Russia and during the present war has given innumerable proofs of that friendship, England cannot be expected any longer to play the part of Germany's second fiddle, to be pulled out of its case only when the favorite one is somewhat out of tune. The press controversy may be stopped, and the relations between the two peoples once more placed upon a normal basis. But the future alone can show whether the respective destinies of England and Germany lie along divergent lines, and whether, if upon a converging plane, they must necessarily clash together.

ST. PETERSBURG, *December, 1904.*

At two o'clock in the afternoon of Saturday, November 19th, ninety-eight country gentlemen met together in a private flat on one of the quays of St. Petersburg to talk over the condition of Russia. They had no mandate from the people and no authorization from the Government, yet they hoped to change very radically the reciprocal relations of both. And, curiously enough, their gathering was a flagrant breach of Imperial "law," as it is now administered, and would a few months ago have made them inmates of prisons or exiles to Siberia. For, in Russia, the act of assembling to discuss politics is a heinous crime against the State, while the passing of resolutions circumscribing the God-given power of the Tsar and affirming the necessity of self-government by the people amounts to high treason of the blackest dye. If, therefore, the Zemstvo meeting had taken place early last July, the chief Minister, Plehve, would have smitten with

his thunderbolts the traitors who attended it, and struck terror into the millions who openly shared their ideas. But since Plehve disappeared there has been joy in Russia, whose national life, leavened with a little freedom, is now quickened, dilated, buoyant. And the ninety-eight individuals who preside over the elective, self-governing local councils, known as *Zemstvos*, fired by the new liberal spirit, felt it their duty to call attention to the alarming state of the country, and to propose measures for warding off a catastrophe.

Things had come to such a pass, they said, that any and every Russian who could descry the danger ahead was bound to give the alarm; and, as a *Zemstvo* Council was about to be held in Moscow to discuss provincial affairs, it occurred to them to deliberate on the public weal at the same time.

The Tsar and Prince Mirsky were aware of the intention of the *Zemstvos*, and the Minister kept in close touch with them throughout. The Emperor and the Grand-Dukes would gladly have dropped an extinguisher upon that dangerous flame, but, possessing none big enough, they feared they might burn their fingers badly in the attempt. For it is no longer a mere secret society, or a hole-and-corner opposition, which calls upon the ruler to let his power be limited, and exhorts his people to take part in the government of the country; it is the collective voice of all thinking Russia. Not all the prisons of the Tsardom, even were they emptied of common criminals, could hold the political misdemeanants who must be shut up if the leaders of the present movement were to be immured.

It was in Moscow, then, that the chiefs of the *Zemstvos* were to have assembled in defiance of the "law." But Prince Mirsky at once resolved to legalize the proceedings and shape them—not with any Machiavellian object, but from a sense of duty. He accordingly obtained power from the Tsar to convene the presidents in St. Petersburg, and to offer them a spacious Council Chamber in the Ministry of the Interior. They accepted this offer with gratitude. Their programme included among the subjects of debate the unbearable condition of the people, the disintegrating influence of the present régime, and the most effectual remedies. To this list of questions Prince Mirsky demurred. But the presidents would eliminate nothing. They refused even to put off the Convention until January, when his Majesty hoped he

might see his way to more definite action. Finally, the issues were referred to the Tsar himself.

Now, the attitude of the Tsar has generally been marked by irresolution and embodied in half measures. But in one respect he has never wavered; he takes the *rôle* of Autocrat most seriously, and will not surrender to man the power which he believes he has received from God. For Nicholas II., Constitutional Government is still wholly outside the pale of practical politics. For that reason, he forbade the presidents of the Zemstvos to come together in November, in January, or indeed at all, unless they first struck out of their programme all political questions. That they stubbornly refused to do.

The serenity of the Zemstvo leaders was not greatly ruffled by the Emperor's prohibition. Nor did they in the slightest degree modify their plan in consequence; the fatherland being in danger, they would meet, they said, at all hazards. Seeing that they meant what they said, Prince Mirsky suggested that, for an unauthorized congress, any provincial city would be better than the capital. But the organizers of the meeting refused to alter even that point of their programme. They did, however, undertake to deliberate in secret, and to exclude all outsiders from the council-chamber. The Minister then undertook that they should not be molested by the police, and to the Russian press he issued a stringent order to look the other way and ignore the assembly and all its doings and strivings. That is how Russia got her historic States-General together.

The members of this preparatory Congress were not daring radicals, with a strong infusion of the political martyr's spirit. A milder and more submissive set of men it would be hard to find anywhere, even in Russia. They all belong to the privileged class: all are landed proprietors, all members of the nobility. Many among them are Councillors of State, Privy Councillors, Excellencies, Counts and Princes, Chamberlains of his Imperial Majesty. One of the Vice-Chairmen was Prince Lvoff, one of the most eloquent orators was Count Heyden. None of them cherished republican aspirations, none displayed democratic tendencies. They thought and spoke as loyal subjects of the Tsar.

The deliberations lasted four days and culminated in a series of resolutions. All members were at one as to the grievances of the nation; the people are treated as helpless children, and

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deprived of a share in conducting their own affairs; they are never allowed to meet and discuss their needs; an individual can be arrested and imprisoned at any moment and without trial; he has no liberty of conscience, nor of speech. This state of things was frankly avowed and deplored, and effectual remedies called for without a dissentient voice.

It was on the question of narrowing the powers of the Emperor and establishing a Constitutional Government that the Congress divided. And no wonder! All its members enjoy vast privileges, of which the Tsar is the source. They pay no direct taxes. They have always been exempted from corporal punishment. Their sons alone can enter the military, naval, and high law schools, which train the future commanders of the army and fleet and the high dignitaries of State. In a word, collectively and individually they had strong reasons for eschewing the questions of Autocracy and Representative Government. Indeed, their only motive for tackling those problems was pure humanity and sympathy for the wretched peasants; yet they sacrificed their personal interests to the just claims of their fellows. The source whence they drew their strength was the new-born spirit of the nation. By a majority of 71 against 27 the Congress demanded Constitutional Government.

That such a claim should have been put forward as irreducible by very moderate members of the nobility is the most pregnant event of Russian history since the days of Peter the Great. For those improvised congressmen are by far the most conservative elements of society; behind them press strenuously forward the crowds whose temper is become electric, whose wild democratic instincts stifle all arguments of political wisdom. The smallest concessions, then, which, in the belief of the Tsar's henchmen and lieges, can save the nation from disaster include the abolition of Autocracy and of class distinctions, as well as a number of other liberal measures which form the alpha and omega of the wished-for Constitutional Charter. Representative Government and national ruin are the alternatives between which the Russian people must choose. That in brief is the meaning of the resolutions passed by the Congress on the Fontanka.

Another most significant sign of the new time is the rôle which has been deliberately assigned to the Tsar. Minister and congressmen have both placed him face to face with the people. It

was he, and not Prince Mirsky, who forbade the Zemstvo presidents to meet officially. It was to the Tsar that the congressmen sent their resolutions, the Minister promising to lay them before him. It is he, and only he, who can give effect to the demands of the Convention. Henceforth, therefore, Nicholas II. is deprived of a Ministerial screen. He alone *can* do wrong in Russian politics. If he withhold the reforms, he is personally responsible to the people; and even now the people are openly mooting the contingency in terms which are unwonted and disquieting. For, to be frank, the Emperor is eminently unpopular. Four years ago he was set down as weak-willed but well-meaning, the hypnotized victim of a strong and unscrupulous Grand Vizier. To-day he is spoken of as an obstacle to all popular progress.

He is now known to have provoked the war without willing it, as a child might set fire to gunpowder without wishing to cause an explosion. His Viceroy Alexeyeff has ungenerously allowed it to be known that, after Japan had broken off diplomatic negotiations, a telegram was sent to him from St. Petersburg assuring him that war was out of the question. For that reason he took no special precautions by way of preparing for it. Now the Ministry of Foreign Affairs denies all knowledge of that despatch, which can have been forwarded only by the Tsar. And on the evening of the day when his Majesty sent it, the Russian Squadron at Port Arthur was attacked and damaged by the Japanese. Again it is a matter of public knowledge that it was the Russian monarch who indirectly helped the Japanese by hampering Kuropatkin and subjecting his plans to the criticism of an Admiral. It is further complained that the Russian soldiers have rarely clothing or food enough; that the wounded have often to lie for days without medical treatment, many of them dying slowly in unspeakable agony; that the convalescent are literally starved on the way home, and that the Imperial house offers no help. These facts are known and, despite the efforts of the Censorship, have been published. Yet the Dynasty, and only the Dynasty, insists on carrying on the war to the end. Members of the Imperial family run no risks, make no sacrifice, give neither their blood nor their work nor their substance for the success of a policy which is theirs and not the people's. The Emperor and his kindred have not bestowed even a money donation upon the active army, or upon the wounded who are suffer-

ing or dying for their cause. They have, however, exhorted the people to subscribe largely and have bitterly upbraided them for not subscribing enough.

At present Tsar and Zemstvo stand confronting each other. Behind the Zemstvo are the thinking elements of the nation. Behind the Autocrat his army, his police, his spies, his heavy guns, magazine rifles, formidable prisons, gold and silver, telegraphs, railways, and all the resources of applied science. The first question which presents itself is whether those two parties will compose their quarrel peaceably or resort to violence. To this query no definite answer is as yet possible. Everything depends upon the mood of the Tsar, the motives to which he is peculiarly susceptible, and the force with which these motives are set before him. There are, however, many and interesting data which tend to reveal the direction in which he is naturally and deliberately disposed to move. And the general conclusion from all these is that, while willing to make the effort requisite to don the velvet glove, he will not dispense with the iron hand. It follows that Prince Mirsky's *rôle* is to purchase by honied words the public tranquillity and loyalty which the Russian people is minded to exchange only for serious concessions embodied in permanent institutions. For as yet there has been no modification of system, nothing but a gentler way of applying Draconian legislation. Here are a few illustrations:

Certain exiles have been allowed to return from Siberia or abroad and certain prisoners have been released from their cells in Russia. This humane measure sounds well in a telegram to the American or European press. But in Russia it imposes upon no one. For those favored "criminals" constitute only a fraction of the legion whom Plehve arrested and spirited away without trial. At this moment, there are political suspects in the Moscow prison who deserve justice if not mercy, young fellows who, in any free country, would be in the vanguard of progress. They were arrested at various times, on the secret reports of spies, on the anonymous accusations of private and spiteful enemies or through the excessive zeal of the police. Some have been imprisoned six months; others ten, twelve, sixteen months; and one for over two years. But none of them has had a chance of defending himself. On November 22d, they one and all refused their food and resolved to die of hunger unless the Government

promised to bring them to trial before February 14th next. On December 1st, four of them were set free altogether, nothing being alleged against them. The remainder are still in their cells, emaciated but resolute; for this is the tenth day of their black fast. Their mothers, their sisters, their friends are rushing about from salon to salon, beseeching influential personages, not indeed to have them released, but only to have them tried. The system under which they were kidnapped and buried alive still subsists. Is it likely that the Tsar will grant representative Government?

Again, the army of the secret police has not been disbanded. Where two or three Russians are gathered together in the name of pleasure, business or duty, at least one of those Judases is in the midst of them. They worm themselves into the confidence of private people, read their letters, pry into their secrets and sometimes endeavor to make money or to gratify passions by help of the insight which they gain into family affairs. Sometimes when these professional traitors have a grudge against a man who chances to be in their way, or a woman who rejects their infamous overtures with scorn, they, so to say, press a button and the Imperial machinery does the rest. Now these secret legionaries are well fed, well clad, well paid and cost the State millions every year, while the heroes of Turenchen, Tashichao, Laoyan, are being sent home in open goods-wagons, left for several days without warm food of any kind, and fed during the journey on less than two pounds of black bread a day.* This happened and happens, not at the front, but in Russia where food is plentiful. Most of the wounded are treated in the same way. And the circumstance that the Tsar, who has given nothing from the State revenue nor from his privy purse to alleviate the sufferings of these heroes, refuses to allow his army of spies to have a dollar taken from their salaries, is bitterly commented upon as symptomatic.

Another of those straws which show the quarter whence the wind blows is the circumstance that one of the Zemstvo men has been dismissed from the high school of law where he had a chair, because he took part in the Congress. Professor Nabokoff, son of

* "*Russkia Vedomosti*," 5th November, 1904. One soldier, wounded in the jaw-bone and throat, could drink only milk; yet all his daily allowance was but enough for one glass and a quarter of milk daily.

the late Minister of Justice and colleague of Professor Martens, has just been compelled to tender his resignation.

As for the Russian people, they are, so to say, on fire. All sections of society, all classes of the population, avail themselves of the slightest pretext to come together and demand the abolition of one-man power. The lawyers of St. Petersburg are about to sign a petition praying for constitutional Government. The working-men are organizing a vast manifestation in favor of representative institutions. Authors are propagating liberal doctrines throughout the Empire. Journalists vie with authors. Municipalities, guilds, benevolent associations, are seconding the demands of the *Zemstvos*. A section of students have published a manifesto in which they proclaim that Autocracy must cease to be, "the infamous war must be stopped, and a Constitutional Assembly immediately convoked."

Such is the temper of the two forces which now face each other with unfriendly feelings. On which side is victory likely to smile? It has often been affirmed that a hundred thousand disciplined men directed by a central despotism can keep in check a hundred millions who lack organization and training. But that is only the mechanical aspect of the problem. In a similar way, assuming that it takes a hundred workmen twelve hours to build a wall, it may be correct to infer that two hundred will do it in six hours; but surely it would be rash to conclude that 144,000 masons could accomplish the task in half a minute. So we can say of the Russian people that it cannot effect a revolution in the historical, French sense of the word. But it would be unwise to add that its efforts are doomed to utter failure. In all such problems the unknown factors are many and their force incalculable.

Prince Mirsky is not regarded as a hindrance to progress. His views are known, his methods are liked, his honesty is recognized and appreciated. And moderate men would be relieved to feel that the Autocrat upon whose fiat so much depends will take his cue from the Minister. But whether he concedes reform or withholds it, is immaterial to the final results. If he be in a yielding mood, the change now inevitable will be gradual, peaceful, moderate; otherwise it will come later, suddenly and with revolutionary thoroughness. In any case, the sands of autocracy seem to have run down, and Nicholas II. is probably the last absolute monarch of all the Russias.

WASHINGTON, December, 1904.

THE President's annual message and the reception which it has met with from the Federal Legislature and throughout the country are events which obviously have both a direct and an indirect effect on the actual and prospective relations of the United States to foreign countries. Clearly, therefore, they are events which belong to the domain of "world-politics." Not, of course, that the whole of the message would be thus described in ordinary parlance. Nobody, for instance, in any European capital is concerned, even remotely, in the preservation of our forests, in our method of dealing with the public lands, in our treatment of the Indians, in our game-preserves, in the species of local self-government that may be given to Alaska, or in our pension system, except so far as the vast sum annually allotted to it may be deemed to cripple our Treasury for other purposes. It is otherwise, of course, with the disclosure of the policy which the President means to follow with reference to the great Powers of Europe and Asia, and with regard to Latin-American republics. It is manifest that foreign onlookers are keenly interested also in learning what steps will be taken to assure an effective prosecution of our policy by means of a strong navy and of an army which, though not large, should be efficient and capable of quick expansion. What we mean to do about the Philippines is likewise a matter of manifest moment to all the countries concerned in the development of the Far East. It is clear, moreover, that indirectly foreign nations may be affected by the extension of our cultivable area by irrigation, and by improvements in our methods of agriculture, for thus our capacity for purveying food staples and raw products will necessarily be augmented. Nor is it only our increasing qualifications for the production of manufactures, as well as of food and raw materials, that foreigners will scan with curiosity. They also recognize that our exports might be materially influenced by changes in our arrangements for internal transportation. They cannot, therefore, view with indifference the President's recommendation that the Interstate Commerce Commission should be invested with the power to fix railway rates. It is solely from the view-point of their relation to world-politics and world-economics that we purpose here to mark some of Mr. Roosevelt's suggestions.

That part of Mr. Roosevelt's exceptionally long but unusually

interesting message which discusses our foreign relations has by no means given unqualified satisfaction to foreign diplomatists and newspapers. They do not, and cannot, indeed, object to what the President has to say about the duties of a highly enlightened nation, chief of which is the avoidance of helplessness by the maintenance of naval and military armaments commensurate with its responsibilities. Who will dispute the assertion that the goal which should be set before us as a nation, the goal which should be set, in truth, before all mankind, is the attainment of the "peace of justice," the peace, that is, which comes when each nation is not merely safeguarded in its own rights, but scrupulously recognizes and performs its duty toward other peoples? Evidently, Mr. Roosevelt would not, for a moment, deny that, as a rule, peace makes for righteousness, but he submits that, whenever there is conflict between the two things, our fealty is due, first, to the cause of righteousness. Better a righteous war than a pusillanimous peace. Neither is it doubtful that the right to be free cannot be divorced from the will and the power to defend that right. Freedom, as one of our poets has said, is not a gift that tarries long with cowards. That we may be prepared to protect our interests, and to perform the duties imposed upon us as humane and enlightened citizens of the world, Mr. Roosevelt insists that there should be no halt in the work of upbuilding the American navy, and that our existing standing army should be unreduced in point of size, and so perfected in efficiency as to be at least the equal of any body of troops of the same number belonging to any other nation upon earth. It would be, as Mr. Roosevelt says, not merely unwise, but contemptible, for a commonwealth, as for an individual, to use high-sounding language in proclaiming purposes or in assuming positions that can only be sustained by force, and then to fail to provide the force. But, while emphasizing the need of "carrying a big stick," the President dwells upon the proofs given by our Government of the sincerity of its wish to minimize the temptation to use it, by proposing a second peace conference at The Hague, and by negotiating treaties of arbitration with all Powers which are willing to enter into such agreements.

So far there can be no possible objection to Mr. Roosevelt's conception of the principles which should govern our foreign relations. Nor is it a question of substance so much as of form

which is mooted by those foreign diplomats who raise their eyebrows at the curtness and unconventional frankness with which the President refers to a matter which has caused our State Department's representatives in Russia a good deal of trouble. We allude to the difficulty encountered by our Ambassadors at St. Petersburg in securing for our Jewish fellow citizens the right to receive passports and to travel through Russian territory. Mr. Roosevelt does not hesitate to say that not only is the obstruction which that right has experienced unjust and irritating toward us, but the wisdom of it from Russia's standpoint is not easily discernible. He declares that "no conceivable good is accomplished by it." Mr. Roosevelt is not the first man to flutter the dove-cotes of diplomacy by acting on the assumption that much valuable time may be saved by blunt truth-telling. Bismarck was notorious for rude veracity, but we never heard that he or his country lost anything by it.

It is easy to understand why Mr. Roosevelt's definition of the way in which the Monroe Doctrine will be construed during his administration should be eyed with disfavor at Berlin, but it is at the first glance difficult to see why it should also have given offence to many London newspapers. If, however, the long paragraph relating to this subject be read with care, the reader will arrive, we think, at the conclusion that Mr. Roosevelt has done a good deal of thinking about the future of this continent during the last twelvemonth, and that he does not purpose again to countenance such a partial confiscation of an American republic's revenues for the payment of ordinary debts as was practised by the blockading Powers in the case of Venezuela. We do not for a moment imagine that Mr. Roosevelt would dispute the right of any self-respecting Power, whether European or American, to exact by force a reasonable reparation for any insult offered to its flag or to its official representatives, or for any injury done by violence to the life or property of one of its citizens or subjects. But, when it comes to sequestrating the whole or a part of the customs income of one of our sister commonwealths for the purpose of compelling the payment of debts arising out of contracts, it is pretty clear that Mr. Roosevelt has made up his mind to be himself the sequestrator. Now that, apparently, it has been established, by the Venezuela precedent, that an American republic, if it default in the payment of its bonds, or of any other debt

arising out of contract, must be placed, like Egypt, in the hands of a receiver, it is, evidently, best for the debtor community and for the whole Western Hemisphere that the receiver shall be the United States. We could be trusted to collect and handle the revenues honestly, to discharge as promptly as possible the obligations of the debtor state, and, when our task was done, to restore the mortgaged custom-houses to their owners. We could be trusted; for, undoubtedly, Mr. Roosevelt speaks the truth when he denies that the United States feels any land-hunger, or entertains any project as regards the other nations of the Western Hemisphere, save such as are for their welfare. The promulgation of such a self-denying ordinance is in no wise inconsistent with the subsequent declaration that a failure to meet its obligations may entail interference from the United States with a Latin-American republic. The very determination to adhere in spirit and letter to the Monroe Doctrine may force the United States, however reluctantly, to exercise an international police power in such cases of wrong-doing, or of impotence—for “impotence” read “a failure to pay debts”—as, according to a recent precedent, would warrant an injured or creditor Power in the application of pressure by blockade and sequestration. It should be observed that Mr. Roosevelt is careful to say that we should interfere with neighboring commonwealths only in the last resort, and then only if it became evident that their inability or unwillingness to do justice at home and abroad had violated the rights of the United States, or had invited foreign aggression to the detriment of the entire body of American nations.

We have said that, indirectly, all foreign countries that see in us either purveyors of food staples and raw materials, or competitive producers of manufactures, are keenly concerned in learning whether, by changes in our rates of inland transportation, those commodities can be delivered on shipboard in our harbors more cheaply than they can now. In other words, a world-wide interest attaches to Mr. Roosevelt's proposal that Congress should clothe the Interstate Commerce Commission, not only with the power (which it possesses) to declare a given railway rate unreasonable, but also to say what, *prima facie*, should be the reasonable maximum rate for the transportation in question. As a matter of fact, bills embodying like proposals were introduced in both Houses of Congress during the last session,

but both were pigeon-holed. We should probably have heard no more of those or similar projects but for the peremptory way in which the President has brought them to the front. Nothing could be more unequivocal and resolute than his language on the subject. He tells the Federal legislators that, above all else, they must try to keep the highways of commerce open to all citizens on equal terms; to do which it is indispensable to abolish absolutely all rebates. Whether the shipper or the railroad is to blame makes, he says, no difference; the rebates must be stopped, and the abuses of the private freight-car, private terminal-track and private side-track systems must be abated. In other words, the Fifty-eighth Congress must enforce its own legislation, enacted at a previous session, which declares it to be unlawful for any person or corporation to offer, grant, give, solicit, accept or receive any rebates, concessions or discriminations in respect of the transportation of any property in interstate or foreign commerce, whereby such property shall, by any device whatever, be transported at a less rate than that named in the tariff published by the common carrier.

The objections to investing the power proposed by the President in the Interstate Commerce Commission are many and cogent, one of the strongest being the omission to safeguard railroads against loss in the event that the rate fixed by the Commission should, on appeal, be adjudged unreasonable by a court of review. If private corporations are to be deprived of the right to manage their own business, as, of course, they are when they are forbidden to name the price for which they will render services, it is evidently of vital moment to them that the greatest precautions should be taken to guarantee them against the calamitous consequences of incompetence or injustice on the part of the official framers of rates. This has become so clear to Mr. Roosevelt himself and to the leaders of the Republican majority in Congress that there seems to be a general inclination to agree upon a species of compromise. What this compromise may be is outlined in an interview by Secretary of the Navy Morton, who has been a railroad man all his life, and, as such, has been forced to ponder anxiously the problem of rates. Mr. Morton describes as "behind the times" those railroad men who deem an attempt to introduce government supervision of rates a mischievous and meddlesome impertinence. He points out that, not only are rail-

ways owned by the Government in several European countries, but even in many of our own States the rates are fixed by railroad commissions. It is pronounced ridiculous to assert that the Federal Government has not the power to do with interstate or foreign commerce what the States themselves may do with traffic transacted inside their borders. Besides, the die is already cast. Not only has the giving or receiving of rebates been made unlawful, but the Interstate Commerce Commission has been already clothed with the negative power to declare a particular rate unreasonable, and needs only to be invested with the positive power to substitute a rate which it regards as reasonable. Mr. Morton, however, though he would place the power of readjusting railway rates in the hands of the Interstate Commerce Commission, recognizes, as *being himself a practical railroad man*, that it would not be equitable to have the new rate decreed by the Commission go into effect immediately, and stand till a court of review should ultimately render a decision. Under such circumstances, a railroad would have no redress for a mistake committed by the Commission; it could never recover the lost earnings if a court of review were to hold that the original rate was reasonable. Secretary Morton, therefore, suggests an arrangement by which, if a given rate should be pronounced unreasonable by the Commission, the railroad should be permitted to go on charging the original rate on filing an indemnifying bond sufficient to cover the sums involved. If the final decision rendered by a court of review should go against the road, the defeated litigant would simply refund the difference between the old rate and the new. For the purpose of arriving promptly at a definite decision, Mr. Morton would create an Interstate Commerce Court of three judges, to sit at Washington, and, as a reviewing tribunal, hear all cases arising under the proposed law (the law giving the Commission power to substitute a rate for one declared unreasonable) without appeal to the Supreme Court of the United States, except when questions of constitutional interpretation should be raised. There is no doubt that this matter of delegating the fixing of railway rates to a commission or court has been made by Mr. Roosevelt the question of the hour in the United States, and that the solution of the problem will be watched with lively interest in all those European countries where the railways are not owned and operated by the Government.